

No. 1678

Sept. Term

Volume 1 of 4 + 1 Box  
(Volumes)

1 9 8 7

# MANDATE

## Court of Special Appeals

No. 1678, September Term, 1987

Ruben Rainey *187-836*  
v.  
State of Maryland

JUDGMENT: July 19, 1988: Per Curiam filed.  
All judgments affirmed except as to count  
3 of each indictment which is vacated.  
Two-thirds of costs to be paid by  
appellant, one-third by Mayor and City  
Council of Baltimore.

August 18, 1988: Mandate issued.

### STATEMENT OF COSTS:

In Circuit Court: for BALTIMORE CITY  
18626016-17

Stenographer Costs.....	5200.00
* Total *	5200.00 *

*18626016, 17*

*6F3377*

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this *eighteenth* day of August A.D. 19 88

*[Signature]*  
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.



UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1678

September Term, 1987

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RUBEN RAINEY

v.

STATE OF MARYLAND

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Gilbert, C.J.  
Wilner,  
Karwacki,

JJ.

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PER CURIAM

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Filed: July 19, 1988

Ruben Rainey was convicted in the Circuit Court for Baltimore City (Davis, J.) of two counts of first-degree murder, two counts of use of a handgun in the commission of a violent crime, and two counts of wearing, carrying, or transporting a handgun.

In this Court Rainey raises a pentad of issues:

1. He is entitled to acquittal of wearing, carrying, and transporting a handgun under the doctrine of merger.

2. The trial court erred in instructing the jury that witnesses are assumed to speak the truth.

3. The trial court erred in admitting hearsay evidence.

4. The trial court erred in its admission of rebuttal evidence.

5. The trial court erred in admitting the extrajudicial statements of three State's witnesses.

I.

Rainey asserts and the State concedes that the convictions for wearing, carrying, and transporting a handgun merged into the conviction for use of a handgun in the commission of a crime of violence. Hunt v. State, 312 Md. 494, 510 (1988); State v. Jenkins, 307 Md. 301 (1986); State v. Boozer, 304 Md. 98 (1985). (We agree with the parties and merge the transportation convictions into those for use of a handgun in a crime of violence.)

BOTH VERDICTS - 3RD CT  
IN EACH C/S

## II.

Rainey next asserts that Judge Davis committed "plain error" when he instructed the jury: "We ordinarily assume that a witness will speak the truth under oath." No objection was made to the instruction; hence, it is not preserved unless it falls within the ambit of "plain error."

We defined "plain error" in Brown v. State, 14 Md. App. 415, 422 (1972). There, speaking through Judge Powers, we said:

"[W]e will take cognizance of and correct an irremediable error of commission, but not an error of omission. Of course, the error must be plain, and material to the rights of the accused, and, even then, the exercise of our discretion to correct it should be limited to those cases in which correction is necessary to serve the ends of fundamental fairness and substantial justice."

More to the point, however, the jury instruction under attack is similar to the disputed instruction in Laster v. State, 70 Md. App. 592 (1987), where the judge charged the jury, "[A]ll witnesses are presumed to speak the truth." Id. at 595.

As in Laster, appellant did not object to the instruction at trial, hence he did not preserve it for review. We repeat what we said in Laster, "[A] presumption of truthfulness instruction is improper." Id. at 598. Nevertheless, we perceived no plain error because the trial judge thoroughly and correctly "apprised the jury of the State's

burden of proof [and] the presumption of innocence." Id. at 599. Judge Davis gave similar instructions to the jury.

We conclude that in light of Laster, Judge Davis's instruction on the assumption of truthfulness was not plain error.

### III.

At trial, the State was successful in introducing into evidence, over Rainey's objection, the testimony of Robert Robinson relating to the origin of his knowledge that Rainey was the person who committed the murders. Robinson testified that he acquired that knowledge as a result of a conversation he had had with two other persons.

Rainey asserts that the court erred in allowing that testimony to be heard because it was inadmissible hearsay. The State, on the other hand, argues that the testimony was admissible under the "state-of-mind" exception to the hearsay rule.

Hearsay evidence under the Maryland common law is defined as evidence of an out-of-court statement offered to prove the truth of the matter therein and thus resting for its value upon the credibility of an out-of-court declarant. McLain, Maryland Procedure, Maryland Evidence § 801.1 (1987).

The state-of-mind exception relates to the credibility attributed to the "out-of-court declarant" grounded on the indicia of credibility afforded by his state of mind at the

time he made the statement which is sought to be introduced. See Kirkland v. State, 75 Md. App. 49, 54 (1988). See also generally C. McCormick, Evidence (3rd ed. 1984) at 842-54.

The out-of-court declarant whose statement was elicited through Robinson's testimony was Boyce, one of the people present during the conversation, and not Robinson. Rainey, therefore, is correct in stating that the exception is not applicable to Robinson's state of mind as "listener," since the exception would only apply to Boyce's state of mind, the "declarant."

Notwithstanding that we agree with Rainey that the evidence was inadmissible, we are of the opinion that the error was harmless. The record shows that Robinson later testified that he also heard Rainey boast about the two murders that Rainey committed. It was after Robinson heard Rainey repeatedly discuss the crime and demonstrate how he was "having a time trying to aim the barrel of the gun at the young lady's head to dead aim" that Robinson decided to help the police solve the homicide. That Robinson's testimony was admissible is not disputed by Rainey.

In light of the admissible evidence relating to Robinson's knowledge of the identity of the perpetrator of the crime, the evidence to which objection was made was no more than cumulative and harmless. Dorsey v. State, 276 Md. 638 (1976). "When competent evidence of a matter is received, no prejudice is sustained where other objected to evidence



of the same matter is also received." Jones v. State, 310 Md. 569, 589 (1987). See also Tichnell v. State, 287 Md. 645, 716 (1980); Robeson v. State, 285 Md. 498, 508 (1979), cert. denied, 444 U.S. 1021, 100 S. Ct. 680 (1980); Peisner v. State, 236 Md. 136, 144 (1963).

#### IV.

Rainey contends that the trial court erred in admitting rebuttal evidence. He asserts that the scope of rebuttal exceeds the defense presented. The issue was not preserved for our review, and we do not consider it. See Md. Rule 8-131.

#### V.

At trial, the State introduced the formal, written extrajudicial statements of three witnesses. A police detective had previously testified to the contents of the statements in order to show their impact upon the police investigation. Rainey contends the statements are hearsay and should not have been admitted at trial. We disagree.

The defense placed the State in a position where it had to explain and justify the police conduct during the course of investigation. The State chose to present all evidence that could support the conduct and course of the investigation. The evidence necessarily included the written statements that caused the investigation to focus upon Rainey.

That evidence, therefore, was not inadmissible hearsay because it was not offered as an assertion of truth but merely to show why the investigation focused on Rainey. See Jones v. State, 310 Md. at 588; Grandison v. State, 305 Md. 685, 737 (1986); Lunsford v. Bd. of Education of Prince George's County, 280 Md. 665 (1977). The written statements were admissible, and Judge Davis did not err in admitting them.

ALL JUDGMENTS AFFIRMED EXCEPT  
AS TO COUNT 3 OF EACH INDICT-  
MENT WHICH IS VACATED.

TWO-THIRDS OF COSTS TO BE PAID  
BY APPELLANT, ONE-THIRD BY  
MAYOR AND CITY COUNCIL OF  
BALTIMORE.

Crim  
Murder  
Ind.

Vol 1 of 4

No. 1678 SEPTEMBER TERM, 19 87  
(LEAVE BLANK)

# TRANSCRIPT OF RECORD

FROM THE

CIRCUIT COURT FOR BALTIMORE CITY

Judge: ARRIE DAVIS

IN THE CASE OF

✓ RUBEN RAINEY

VS.

Appellant

✓ STATE OF MARYLAND

Appellee

TO THE

COURT OF SPECIAL APPEALS OF MARYLAND

✓ Dennis M. Henderson 333-4861  
201 St. Paul Place  
Baltimore, Md 21202

FOR APPELLANT

R-0  
S-5200.00

✓ Honorable J. Joseph Curran, Jr.  
Attorney General of Maryland

✓ Honorable Stuart O. Simms  
State's Attorney for Baltimore

FOR APPELLEE

Filed 2/10/88 MD  
(LEAVE BLANK)

3/21

6/88

Start 9/17/86

Sent 7/16/87

App 7/17/87

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# CIRCUIT COURT FOR BALTIMORE CITY CRIMINAL DIVISION

33

STATE OF MARYLAND

VS.

CASE NO. 1862

IDENT. NO. 368-618

DOB 5-6-57

86 A.R. NO. 30386-0

B/m

Reuben Rainey

37 Manchester Ave. #21215

AKA - Rubin J

CHARGE Murder, etc., Murder, etc.

ATTORNEY	LOCATION	DATE	COURT REPORTER	DA
Ralf Quisgard	JAIL		Winkelman	10/17
Edward Jayback	6-25-87 6/30/87		Walker	10/20
			L. Brown	3/30
James Salkin / Brian Murphy	6/29/87 6/30/87		R. To 88	6-29 7-1-87
ASST. STATE'S ATTY. Sam. Brare			D. Walber P. Tassant	7-2-87 7-6 7-7

DATE	DOCKET ENTRIES
	Commitment, filed Jail
	Recognizance taken / District Court
	Recognizance taken / Circuit Court
9/17/86	Criminal Inf. (Indictment filed) Copy served — receipt filed
10/18/86	Appearance of Ralf Quisgard Attorney, filed
	Arraigned and Pleads NG Election of Trial 10/31/86
	Defendant's Location: Baltimore City Jail
10/17/86	States request for postponement heard and granted, Angeletti, J.
10/17/86	Continue 10/20/86, pt. 21, 930 AM, Angeletti, J.
10/20/86	Death Penalty notice served and read to Deft., Angeletti, J.
10/20/86	set for trial 2-9-87, pt. 1, 930 AM, Angeletti, J.
10/20/86	States request for Postponement, granted, Angeletti, J.
10/20/86	Consolidate with Case # 2862146, 48, 50, Angeletti, J.
10/20/86	Continue 10-22-86, pt. 21, 930 AM, Angeletti, J.
10/22/86	set for trial 2-9-87, pt. 1, 930 AM, Angeletti, J.
10/31/86	Removed by Cso
10-29-86	Entry & Appearance
10-29-86	DEFENDANTS REQUEST FOR DISCOVERY AND MOTION TO PRODUCE DOCUMENTS.
10-29-86	Motions Pursuant to Maryland Rule 4-252
10-29-86	Notice for Production of Witnesses Statements and Police Officers Notes

# CIRCUIT COURT FOR BALTIMORE CITY CRIMINAL DIVISION

STATE OF MARYLAND

VS.

60 TERM  
CASE NO. 1862-16-17  
IDENT. NO. 368-618  
DOB 5-6-57  
86 A.R. NO. 30386-02  
B/m

Reuben Rainey  
37 Manchester Ave. #21215

AKA - Rubin J

CHARGE Murder, etc., Murder, etc.

ATTORNEY	LOCATION	DATE	COURT REPORTER	DATE
Quisard	JAIL		Winkelman	10/17/86
Gordon Tayback	6-29-87 6/30/87		Walker	10/20/86
			F. Brown	3/30 4/29/87
Salkin / Brian Murphy	6/29/87 6/30/87		R. Taggart	6-29-87 7-1-87
ST. STATE'S ATTY. / Sam. Brare			D. Walbe	7-2-87
			P. Taggart	7-6-87 7-7-87

## DOCKET ENTRIES

Taggart 7-16-87

Commitment, filed

Jail

Recognizance taken / District Court

Recognizance taken / Circuit Court

86 Criminal Inf. Indictment filed

Copy served — receipt filed

6 Appearance of ROBT QUISCARD

Attorney, filed

Arraigned and Pleads NG

Election of Trial 10/31/86 pt. 6

Defendant's Location: Baltimore City Jail

States request for postponement heard and granted, Angeletti, J.

Continue, 10/20/86, pt. 21, 930 AM, Angeletti, J.

Death Penalty notice served and read to Deft., Angeletti, J.

set for trial 2-9-87, pt. 1, 930 AM, Angeletti, J.

States request on Postponement, granted, Angeletti, J.

Consolidate with Case # 2862146, 48, 50, Angeletti, J.

Continue 10-22-86, pt. 21, 930 AM, Angeletti, J.

set for trial 2-9-87, pt. 1, 930 AM, Angeletti, J.

Removed by Cso

Entry & Appearance

DEFENDANTS REQUEST FOR DISCOVERY AND MOTION TO PRODUCE DOCUMENTS.

Motions Pursuant to Maryland Rule 4-52

Notice for Production of Witnesses' Statements and Police Officers' Notes

10-29-86	Motion to Compel the State to Comply with Rule 4-263 (a)(1)
	Prior to Trial and for an in-camera review of State Files
10-29-86	Motion to Require the State to comply w/ Rule 4-342(c) Prior to Trial
10-29-86	Motion to Produce Evidence Relative to Pre-Trial Motions and Request for Hearing
10-29-86	Motion for Bill of Particulars
10-29-86	Motion to Prohibit Destruction of Notes by the Police
10-29-86	Motion to Examine all Evidence in the Possession or Control of the State
10-29-86	Motion for Production of Photographic Copies of Scene
10-29-86	Motion for Individual Voir Dire
1-9-87	Enter appearance of Sam Brave
1-19-87	DEFENDERS REQUEST FOR DISCOVERY AND MOTION TO PRODUCE DOCUMENTS
"	Motion in limine relative to evidence of criminal conduct
"	Motion to bar "victim impact" evidence
2/9/87	Removed per CRO. (Davis, J.)
2/11/87	Motion for appropriate Relief for
3-2-87	Move list
3-26-87	Request for discovery relative to Supplementary Material to dismiss notice of Intention to seek the Penalty of death heard & denied, Davis J.
3-26-87	Supplemental Motion to dismiss notice of intention to seek the penalty of death heard & denied Davis
3-26-87	Def motion in limine heard & granted Davis J.
3-26-87	Motion to suppress Statements of Def as to State's Case in Chief and denied as to rebuttal Davis J.
3-26-87	Warr. Dis. Administered Not Concluded
3-27-87	Not Concluded
3-30-87	Individual Voir dire not concluded, to resume on 3-31-87.
3-31-87	Not Concluded
4-1-87	Not Concluded - 4-2-87 Not Concluded 4-3-87 Not Concluded
4-6-87	Warrant issued for jury Brenda Warden 4-7-87 Warrant Not Concluded, 4-7-87 Not Concluded, 4-8-87 Not Concluded
	4-9-87 Not Concluded 4-10-87 Not Concluded



4-13-87 Not Concluded  
 4-14-87 Not Concluded  
 4-15-87 Not Concluded  
 4-16-87 Not Concluded  
 4-20-87 Motion for judgment of acquittal heard as to  
 both charges and denied as to both charges. Davis  
 Motion for judgment of acquittal granted as to  
 2<sup>nd</sup> degree and manslaughter 1<sup>st</sup> & 2<sup>nd</sup> degree  
 4-21-87 Not Concluded  
 4-22-87 Mistrial declared. Hung Jury. Davis J  
 6-16-87 Voir dire. Jury selected & sworn Cont till 6-22-87  
 6-22-87 Jury present  
 6-23-87 Jury released. New jury to be selected. Jury selected  
 6-24-87 Jury sworn. Continued till 6-25-87. BAI for Darlene Johnson  
 6-25-87 Jury released because a newspaper article. Davis  
 Mistrial declared. Davis J  
 6-25-87 War quashed for witness Darlene Johnson. Davis J  
 6-29-87 Amended & submits under plea of not guilty  
 + Jury Trial Prayed. Voir Dire with  
 administered jurors + jury to be sworn in  
 on 6-30-87  
 6-30-87 Jury sworn in + issue before sworn. Jury  
 motion to remove heard & held in abeyance  
 pending Judge's decision. Case not concluded. To  
 be resumed on 7-1-87 Pt. 7 @ 9:30 A.M. Davis J  
 7-1-87 Case not concluded. To be resumed on 7-2-87 Pt.  
 7-2-87 " " " " " " 7-6-87 Pt. 7  
 7-6-87 " " " " " " 7-7-87 Pt. 7  
 Motion for Judgment of acquittal heard & denied  
 7-16-87 Verdict: Guilty 1st degree murder 1st ct, 2nd  
 3rd cts in both 16+17 by jury A. Davis  
 Judgment: As to 16 - 1st ct - balance of natural life  
 DOC dating from 7-31-86; 2nd ct - 20 yrs. consec  
 1st ct; 3rd ct - 3 yrs. consec to 2nd ct.  
 As to 17 - 1st ct - balance of natural life consec  
 3rd ct of 16; 2nd ct - 20 yrs consecutive to 1st  
 (over)





# State of Maryland,

City of Baltimore, in mit:

The State of Maryland

-vs-

REUBEN RAINEY

Defendant(s)

Date of offense: June 2, 1986

Location: 4711 Navarro Road

Complainant: Deborah Veney, (Deceased)

## I N D I C T M E N T

The Jurors of the State of Maryland for the body of the City of Baltimore, do on their oath present that the aforesaid Defendant(s), late of said City, heretofore on or about the date(s) of offense set forth above, at the location set forth above, in the City of Baltimore, State of Maryland, feloniously, wilfully and of deliberately premeditated malice aforethought did kill and murder one Deborah Veney, contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State. (Art. 27, Sec. 407 & Common Law)

### SECOND COUNT.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the aforesaid Defendant(s), late of said City, on the said date(s), at the said place, unlawfully did use a handgun in the commission of a felony or crime of violence, as defined in Article 27, Section 441 of the Annotated Code of Maryland, contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State. (Art. 27, Sec. 36B(d))

### THIRD COUNT.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the aforesaid Defendant(s), late of said City, on the said date(s), at the said place, unlawfully did wear, carry and transport a handgun, upon or about (his/~~her~~/~~their~~) person(s), contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State. (Art. 27, Sec. 36B(b))

*Kent L. Schrock*

The State's Attorney for the City of Baltimore

WITNESSES (Cont'd.)

• Det. Richard Fahlteich  
CID - Homicide 21202

Det. William Lansey  
CID - Homicide 21202

Det. Gerald Goldstein  
CID - Homicide 21202

Off. Howard Roop  
Northwestern District 21215

Off. John Berybower  
Northwestern District 21215

Off. Francis Edwards  
Northwestern District 21215

Off. Barbara Chandler  
Northwestern District 21215

Off. Luther McClair  
Northwestern District 21215

Off. James Hicks  
Northwestern District 21215

Edward Green  
BCPD - Crime Lab 21202

Joseph Kopera  
BCPD - Firearms 21202

Dr. William Zane  
Medical Examiner's Office  
111 Penn St. 21201

18626016

## WITNESSES (Cont'd.)

Leopoleon Jackson  
336 W. 121st St.  
Manhattan, New York 10027

Linda Godbold  
356 W. 121st St.  
Manhattan, New York 10027

Jeanette Brown  
3705 Brice Run Road  
Randallstown, Md. 21133

Chur Kelly  
3816 Fernhill Ave. 21215

Alton Wilson  
4418 Belview Ave. 21215

Deborah Pearson  
5305 Belleville Ave. 21215

David Saunders  
4505 Groveland Ave. 21215

1. This paper charges you with committing a crime.
2. If you have been arrested. You have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
  - A lawyer can be helpful to you by:
    - (A) explaining the charges in this paper;
    - (B) telling you the possible penalties;
    - (C) helping you at trial;
    - (D) helping you protect your constitutional rights;
- and
  - (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

## STATE OF MARYLAND

RUBIN J. " vs.

REUBEN RAINEY, B/M/5-6-57  
3735 Manchester Ave. 21215  
86-30386-01, 03 ID #368-618  
BCJ

Indictment

(TRUE BILL)

Nancy J. Council Foreman.  
Filed

SEP 21 1986

Lack of Jail 6/20/86

6F3377

## WITNESSES:

Nellie Chew  
1111 N. Dukeland Street 21216

Joanne Blunt  
3613 Howard Park Ave. 21207

Edward Cooper  
133 E. Clark Place  
Bronx, New York 10452

Robert Robinson  
47 W. 175th St., Apt. 1A  
Bronx, New York 10453

Drawn.....MURDER, ETC.....

O.K. ....

O.K. ....

115-95646

## WITNESSES (Cont'd.)

Irene Saunders  
4505 Groveland Ave. 21215

Yvette Hayes  
4505 Groveland Ave. 21215

Inv. John Capers, Jr.  
Dist. Attorney's Office  
155 Leonard St.  
New York, N.Y. 10013

Inv. Gordon Gaines  
Dist. Attorney's Office  
155 Leonard St.  
New York, N.Y. 10013

Det. Sgt. Charles Summers  
New York Police Dept.  
1 Police Plaza  
New York, N.Y. 10038

Det. Ron Antoci  
New York Police Dept.  
1 Police Plaza  
New York, N.Y. 10038

Det. Robert Cotter  
New York Police Dept. - Ballistics  
1 Police Plaza  
New York, N.Y. 10038

Sgt. Jay Landsman  
CID - Homicide 21202

Sgt. J. Barrick  
CID - Homicide 21202

Det. Gary Dunnigan  
CID - Homicide 21202

Det. Oscar Requer (PPO)  
CID - Homicide 21202

MURDER, ETC.

# State of Maryland,

City of Baltimore, to wit:

The State of Maryland

-vs-

REUBEN RAINERY

Defendant(s)

Date of offense: June 2, 1986

Location: 4711 Navarro Road

Complainant: Glenita Johnson, (Deceased)

## I N D I C T M E N T

The Jurors of the State of Maryland for the body of the City of Baltimore, do on their oath present that the aforesaid Defendant(s), late of said City, heretofore on or about the date(s) of offense set forth above, at the location set forth above, in the City of Baltimore, State of Maryland, feloniously, wilfully and of deliberately premeditated malice aforethought did kill and murder one Glenita Johnson, contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State.  
(Art. 27, Sec. 407 & Common Law)

## SECOND COUNT.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the aforesaid Defendant(s), late of said City, on the said date(s), at the said place, unlawfully did use a handgun in the commission of a felony or crime of violence, as defined in Article 27, Section 441 of the Annotated Code of Maryland, contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State.  
(Art. 27, Sec. 36B(d))

## THIRD COUNT.

And the Jurors aforesaid, upon their oath aforesaid, do further present that the aforesaid Defendant(s), late of said City, on the said date(s), at the said place, unlawfully did wear, carry and transport a handgun, upon or about (his/~~her/hers~~) person(s), contrary to the form of the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State.  
(Art. 27, Sec. 36B(b))

*Kent L. Schrock*

The State's Attorney for the City of Baltimore

b

WITNESSES (Cont'd.)

Det. Richard Fahlteich<sup>17</sup>  
CID - Homicide 21202

*SPD*  
Det. William Lansey<sup>18</sup>  
CID - Homicide 21202

Det. Gerald Goldstein<sup>19</sup>  
CID - Homicide 21202

Off. Howard Roop<sup>20</sup>  
Northwestern District 21215

Off. John Berybower<sup>21</sup>  
Northwestern District 21215

*SPD*  
Off. Francis Edwards<sup>22</sup>  
Northwestern District 21215

Off. Barbara Chandler<sup>23</sup>  
Northwestern District 21215

Off. Luther McClair<sup>24</sup>  
Northwestern District 21215

Off. James Hicks<sup>25</sup>  
Northwestern District 21215

Edward Green<sup>26</sup>  
BCPD - Crime Lab 21202

Joseph Kopera<sup>27</sup>  
BCPD - Firearms 21202

<sup>28</sup> Dr. William Zane  
Medical Examiner's Office  
111 Penn St. 21201

18626017

## WITNESSES (Cont'd.)

Leepoleon Jackson  
356 W. 121st St.  
Manhattan, New York 10027

Linda Godbold  
356 W. 121st St.  
Manhattan, New York 10027

Jeanette Brown  
3705 Brice Run Road  
Randallstown, Md. 21133

Mr Kelly  
3816 Fernhill Ave. 21215

Alton Wilson  
4418 Belvieu Ave. 21215

Deborah Pearson  
5305 Belleville Ave.. 21215

David Saunders  
4505 Groveland Ave. 21215

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A lawyer can be helpful to you by:

(A) explaining the charges in this paper;

(B) telling you the possible penalties;

(C) helping you at trial;

(D) helping you protect your constitutional rights;

and

(E) helping you to get a fair penalty if convicted.

5. Even if you plan to plead guilty, a lawyer can be helpful.

6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.

7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.

8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

## STATE OF MARYLAND

VS.

REUBEN RAINEY, B/M/5-6-57  
3735 Manchester Ave. 21215  
86-30386-02, 04 ID #368-618  
BCJ

Indictment

(TRUE BILL)

*Nancy F. Council*, Foreman

Filed

SEP 17 1988

## WITNESSES:

2 Nellie Chew  
1111 N. Dukeland Street 21216

3 Joanne Blunt  
3613 Howard Park Ave. 21207

4 Edward Cooper  
133 E. Clark Place  
Bronx, New York 10452

5 Robert Robinson  
47 W. 175th St., Apt. 1A  
Bronx, New York 10453

Drawn .... MURDER, ETC. ....

O.K. ....

O.K. ....

115-95566

## WITNESSES (Cont'd.)

Irene Saunders  
4505 Groveland Ave. 21215

Yvette Hayes  
4505 Groveland Ave. 21215

Inv. John Capers, Jr.  
Dist. Attorney's Office  
155 Leonard St.  
New York, N.Y. 10013

Inv. Gordon Gaines  
Dist. Attorney's Office  
155 Leonard St.  
New York, N.Y. 10013

10 Det. Sgt. Charles Summers  
New York Police Dept.  
1 Police Plaza  
New York, N.Y. 10038

11 Det. Ron Antoci  
New York Police Dept.  
1 Police Plaza  
New York, N.Y. 10038

12 Det. Robert Cotter  
New York Police Dept. - Ballistics  
1 Police Plaza  
New York, N.Y. 10038

14 Sgt. Jay Landsman  
CID - Homicide 21202

15 Sgt. J. Barrick  
CID - Homicide 21202

16 Det. Gary Dunnigan  
CID - Homicide 21202

28 Det. Oscar Requer (PPO)  
CID - Homicide 21202

Tray BUSINESS SYSTEMS, Inc. • Washington Office (301) 261-1847

Lawrence A. Murphy, Clerk

CRIMINAL COURT OF BALTIMORE  
APPEARANCE NOTICE

RECEIVED  
1987 JUN -9 AM 10:52  
CLERK  
BALTIMORE, MARYLAND  
SAUNDRA E. BARKS  
CLERK

CASE NO. 186 26016-7

CHARGE MUR

DEFENDANT FULL NAME Robin Rainer

MR. CLERK:

PLEASE ENTER MY APPEARANCE IN THE ABOVE CASE(S) FOR THE ~~DEFENDANT~~ State.

REPRESENTATION  
(Check One)

- ☐ Private Attorney (ADF)  
☐ Public Defender (APD)  
☐ Panel Attorney (APA)

TRIAL NOTIFICATION INFORMATION (PRINT OR TYPE)

Sam Brave  
ATTORNEY NAME

999901  
CLIENT SECURITY NO.

Room 310 Courthouse West, Clarence Mitchell, Jr. Courthouse  
ATTORNEY MAILING ADDRESS

Baltimore, Maryland  
CITY/TOWN

21202  
ZIP CODE

396-5154  
ATTORNEY TELEPHONE NO.

Sam Brave  
ATTORNEY SIGNATURE

1/8/87  
DATE

RECEIVED

STATE OF MARYLAND

1986 OCT 29 PM 2:57

IN THE

Rubin V.

CIRCUIT COURT\*  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS\*  
CLERK

CIRCUIT COURT

~~REUBEN~~ RAINEY

FOR

IND. NOS.: 18626016-17

\*

BALTIMORE CITY

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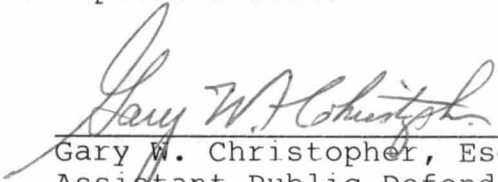
\*

OCT 31 1986

ENTRY OF APPEARANCE

Dear Clerk:

Please enter the appearance of Gary W. Christopher, Esq.,  
as defense counsel in the above captioned case.

  
\_\_\_\_\_  
Gary W. Christopher, Esq.  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201  
659-4840

143124

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of October,  
1986 a copy of the foregoing Motion was mailed to the Office  
of the State's Attorney for Baltimore City, Clarence M.  
Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore,  
Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher, Esq.





STATE OF MARYLAND

v.

Rubin J. Rainey

IND. NO. 18626016

RECEIVED

1987 JAN 30 AM 8:42

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

\* \* \* \* \*

*TRIAL*  
*2-9-87*  
*PT 7*

LINE STRIKING APPEARANCE

Dear Mr. Clerk:


Please strike the appearance of:

Gary W. Christopher  
Assistant Public Defender  
520 West Fayette Street  
Baltimore, Maryland 21201

Please enter the appearance of


M. Gordon Tayback, Esq.  
321 North Calvert Street  
Baltimore, Maryland 21202

*I.D. # 826561*

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201  
333-4840

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of January 1987, a copy of the foregoing Motion was mailed to Sam Brave, Esq., Office of the State's Attorney for Baltimore City, 206 Courthouse West, Baltimore, Maryland 21202

  
\_\_\_\_\_

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NO. 18626016-17

RECEIVED

1986 OCT 29 PM 2:57

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

OCT 30 1986

DEFENDANT'S REQUEST FOR DISCOVERY  
AND MOTION TO PRODUCE DOCUMENTS

The following requests are made, in accordance with Maryland Rule 4-263, on behalf of the defendant in the above-entitled action, by his undersigned attorney, and

a. The requests extend to material and information in the possession or control of the State's Attorney, members of his staff and any others who have participated in the investigation or evaluation of the case and who either regularly report, or with reference to the particular case, have reported to the State's Attorney or his office.

b. The purpose of these requests is to obtain disclosure of material and information to the fullest extent authorized and directed by Maryland Rule 4-263; and this general purpose shall supersede any language or expression which might otherwise appear to be a limitation upon the object or scope of any request.

c. Captions or headings used to separate paragraphs are not part of the requests but are for convenience only.

d. Material and information discovered by the State's Attorney after his initial compliance with these requests, shall be furnished promptly after such discovery in accordance with Maryland Rule 4-263(h).

e. These requests in no way should be considered a waiver of the information required to be furnished without request by the State's Attorney pursuant to Rule 4-263(a) to the defendant.

The State's Attorney is requested to:

1. Furnish to the Defendant (a) any material or information which tends to negate the guilt of the defendant as to the offense(s) charged, (b) any material or information within his possession or control which would tend to reduce the defendant's punishment for such offense(s), (c) any relevant material or information regarding specific searches and seizures, (d) any relevant material or information regarding wire taps and eavesdropping, (e) any relevant material or information regarding the acquisition of statements made by the defendant, (f) any relevant material or information regarding pretrial identification of the defendant by a witness for the State.

Witnesses

2. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to prove its case in chief.

3. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to rebut alibi testimony.

4. To furnish the defendant with the names, addresses, and physical descriptions of any persons other than the defendant who were arrested or otherwise taken into custody by police or prosecution officials as a possible suspect in this case in which the defendant is charged.

Statements of the Defendant

5. Furnish a copy of each written or recorded statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

6. Furnish the substance of each oral statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

7. Furnish a copy of all reports of each oral statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

Statements of Co-defendant, and/or Accomplices  
and/or Accessories After the Fact

8. Furnish a copy of each written or recorded statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to a State agent which the State intends to use at a hearing or trial.

9. Furnish the substance of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to a State agent which the State intends to use at a hearing or trial.

10. Furnish a copy of all reports of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to a State agent which the State intends to use at a hearing or trial.

#### Reports of Experts

11. Produce and permit the defendant to inspect and copy all written reports or statements made in connection with the defendant's case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison.

12. Furnish the substance of any oral report and conclusion made in connection with the defendant's case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison.

#### Evidence for Trial Use

13. Produce and permit the defendant to inspect and copy any books, papers, documents, recordings, or photographs which the State intends to use at a hearing or trial.

14. To permit the defendant to inspect any photographs which police or prosecuting authorities may have exhibited or any witness for purposes of identification of the defendant, and any other photographs which the State intends to use in the trial of the defendant, and the presentation of its case in chief, and to furnish the defendant with copies of said photographs, the name and addresses of witnesses who viewed said photographs and the results of each viewing of said photographs.

15. Produce and permit the defendant to inspect and photograph any tangible objects which the State intends to use at a hearing or trial.

16. To advise the defendant as to whether the defendant was confronted by identification witnesses in any manner other than a line-up while the defendant was in custody of police or prosecution authorities, and if so, to furnish the defendant the time, place, and circumstances of such confrontation including the names and addresses of all persons participating in said confrontation.

### Defendant's Property

17. Produce and permit the defendant to inspect, copy and photograph any items obtained from or belonging to the defendant, whether or not the State intends to use the item at a hearing or trial.

### Confidential Informant

18. To provide the defense with the name and address of any informant, confidential or otherwise, who was a participant in the alleged illegal act which is the basis for this Indictment, or who was a participant in any illegal act which formed any part of the basis for any warrant or process issued and executed in this case, or who was a participant in any illegal act which was relied upon by any law enforcement official as probable cause to make an arrest and/or search in this case.

### Law Enforcement Officers

19. To provide the defense with the name and assignment of any law enforcement officer, City, County, State, or Federal, who participated in any sale, purchase, or negotiation for the sale or purchase, of any contraband, said sale, purchase, or negotiation having formed any part of the basis for the charge for an arrest or search involving the defendant.

### Chain of Custody

20. To permit the defendant to inspect any law enforcement report containing the chain of custody of the person of the defendant, or his property, beginning with the time of defendant's arrest and continuing throughout the time that the defendant was in the custody of any police or prosecuting authorities.

21. In event that law enforcement authorities have not prepared the type of report relating to custody of the defendant, or his property, referred to in paragraph twenty, to furnish the defendant with the names and addresses of all persons who had custody or control of the defendant or who participated in the custody or control of the defendant beginning with the arrest of the defendant and continuing throughout the time that the defendant was in custody of any police or prosecuting authorities.

### Official Reports

22. To furnish copies of any and all statements or reports of prosecution witnesses which have been reduced to writing.

23. Furnish photostatic copies of all crime laboratory reports pertaining to this case.

24. Furnish copies of all offense reports or other official reports pertaining to these offenses.

25. Supply copies of any and all medical reports that the State has or wishes to introduce into evidence with respect to this case or cases.

26. To permit defendant to see, inspect, photocopy, and/or copy any photographs, diagrams, blueprints, layouts, or plans of the grounds or buildings of the premises involved in these proceedings which are in the possession of the State.

27. To allow defendant to see, inspect, and view any photographs, film, slides, or moving pictures containing relevant evidence in this case which the State has in its possession or intends to use in the preparation for trial and/or trial in this case.

28. To produce and permit defendant to inspect and copy any warrants, affidavits, inventories and other related papers involved in these proceedings, (Pursuant to Maryland Rule 4-601).

#### MATERIAL OR INFORMATION IN MIGIATION OF PUNISHMENT

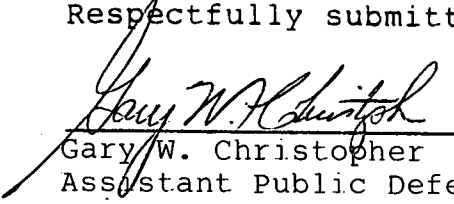
29. Furnish the Defendant any and all material or information which could tend to establish any of the following mitigating circumstances:

- (a) The defendant has not previously (i) been found guilty of a crime of violence; (ii) entered a plea of guilty or nolo contendere to a charge of a crime of violence; or (iii) had a judgment of probation on stay of entry of judgment entered on a charge of a crime of violence. As used in this paragraph, "crime of violence" means abduction, arson, escape, kidnapping, manslaughter, except involuntary manslaughter, mayhem, murder, robbery, or rape or sexual offense in the first or second degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence.
- (b) The victim was a participant in the defendant's conduct or consented to the act which caused the victim's death.
- (c) The defendant acted under substantial duress, domination or provocation of another person, but not so substantial as to constitute a complete defense to the prosecution.
- (d) The murder was committed while the capacity of the defendant to appreciate the criminaltiy of his conduct or to conform his conduct to the requirements of law was substantially impaired as a result of mental incapacity, mental disorder or emotional disturbance.
- (e) The youthful age of the defendant at the time of the crime.
- (f) The act of the defendant was not the sole proximate cause of the victim's death.



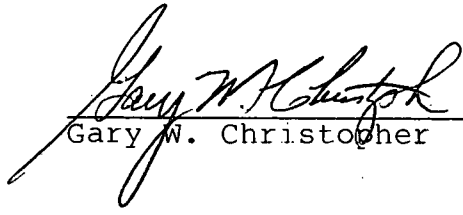
- (g) It is unlikely that the defendant will engage in further criminal activity that would constitute a continuing threat to society.
- (h) The defendant's alleged conduct was affected by alcohol or other intoxicants at the time of the offense.
- (i) The defendant's alleged conduct was not the result of premeditation, deliberation, or malice.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986 a copy of the foregoing Motion was mailed to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore, Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher

IN THE CRIMINAL COURT OF BALTIMORE CITY

STATE OF MARYLAND

Vs.

Reuben J. Rainey  
Defendant

1986 SEP -4 AM 9:50

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IND. NO. 01-06-657112B1

18626016  
18626017

28224648,50

MOTION FOR DISCOVERY AND INSPECTION

Comes now, RUBEN J. RAINEY, pro, se, defendant, in the above cause to request this court's order to be issued upon the state's attorney commanding him to furnish to the defendant all information pertinent to his defense in this cause, pursuant to rule 741, inclusive of Maryland Rules of Procedures.

Respectfully Submitted

DATE: 8-27-86

Reuben J. Rainey

CERTIFICATE OF SERVICE

I hereby certify that on this 27 day of August 1986 true copy of this document was mailed to the state's attorney office Room 204, Criminal Court Building, Calvert & Fayette Sts" Baltimore, Maryland 21202.

Reuben J. Rainey  
Defendant.

I do solemnly declare and affirm under penalties of perjury that the contents of this document are true and correct to the best of my knowledge and information.

Reuben J. Rainey  
Defendant.

STATE OF INDIANA

FILED

NOTICE

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IN THE CRIMINAL COURT OF BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

V.S.

RECEIVED

C.I. IND/NO. 01-06-657112 B1

1986 SEP -4 AM 9:50

CIRCUIT COURT  
BALTIMORE, MARYLAND  
MOTION TO SUPPRESS  
CLERK

18626016, 17

NOW COMES Ruben J. Rainey, DEFENDANT, AND RESPECTFULLY

MOVES THIS COURT TO SUPPRESS FROM BECOMING EVIDENCE HEREIN ANY AND

ALL, evidence that were obtained illegally and in violation of defendant constitutional rights, such as tainted statement, out of court / precinct identifications.

THAT HE (THE DEFENDANT) WAS DENIED DUE PROCESS OF LAW, when the State used tainted statements as basis of alleged criminal activities + tainted photo array. WHEREFORE, YOUR RESPECTFUL DEFEN-

DANT RESPECTFULLY REQUEST THAT THIS HONORABLE COURT SUPPRESS FROM

BECOMING EVIDENCE HEREIN ANY AND ALL, illegal statements of wit-  
nesses and the prejudicial photo array.

A HEARING IS ALSO REQUESTED IN RESPECT TO THIS MOTION.

RESPECTFULLY SUBMITTED,

SIGNED,

Ruben J. Rainey  
DEFENDANT

RUBEN J. RAINEY  
(PRINT)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS 27 DAY OF August, 19 86

A TRUE AND CORRECT COPY OF THIS FOREGOING MOTION TO SUPPRESS ON

illegally used evidence is being submitted by.

WAS MAILED TO THE STATE, S ATTORNEY, S OFFICE, COURT HOUSE, ROOM# 204,  
BALTIMORE, MARYLAND 21202 AND A TRUE COPY THEREOF WAS MAILED TO THE  
CLERK OF THE COURT, CRIMINAL COURT OF BALTIMORE CITY, COURT HOUSE,  
BALTIMORE, MARYLAND 21202

SIGNED

Ruben J. Rainey

RUBEN J. RAINEY  
(PRINT)

ID# 368-618

SEC./CELL. N-99

C/O BALTIMORE CITY JAIL  
401 E. EAGER ST.  
BALTIMORE, MARYLAND 21202



RECEIVED

STATE OF MARYLAND	*	IN THE
V.	*	CIRCUIT COURT
REUBEN RAINEY	*	FOR
IND. NO. 18626016-17	*	BALTIMORE CITY
*   *   *   *		*   *   *

MOTIONS PURSUANT TO MARYLAND RULE 4-252

OCT 30 1986

Defendant, by his undersigned attorneys, pursuant to Maryland Rule 4-252, respectfully represents unto this Honorable Court:

1. That any in-court identification of the Defendant will be tainted as a result of impermissibly suggestive identification procedures undertaken by police authorities and/or will be the result of an illegal arrest or search.

Points and Authorities:

Chapman v. California, 386 U.S. 18 (1967)  
Coleman v. State, 8 Md. App. 65 (1969)  
Rustin v. State, 46 Md. App. 28 (1980)

2. That evidence seized in this case was obtained as the result of an illegal search and seizure.

Points and Authorities:

Mapp v. Ohio, 367 U.S. 643 (1961)  
Carter v. State, 274 Md. 411 (1975)  
Waugh v. State, 275 Md. 22 (1975)

3. That any statements and/or confessions taken from the defendant were involuntary and/or elicited during custodial interrogation without the observance of mandatory procedural safeguards required by law.

Points and Authorities:

Hillard v. State, 286 Md. 145 (1979)  
Miranda v. Arizona, 384 U.S. 436 (1966)  
Whitfield v. State, 287 Md. 124 (1980)

4. That the Defendant will be prejudiced by the joinder of his trial with that of any co-defendants and that he will be prejudiced by the joinder of charges arising from separate incidents.

Points and Authorities:

Erman v. State, 49 Md. App. 605 (1981)  
Day v. State, 196 Md. 384 (1950)  
McKnight v. State, 280 Md. 604 (1977)

5. That the indictment/information is defective.

Points and Authorities:

Ayre v. State, 291 Md. 155 (1981)  
Brown v. State, 285 Md. 105 (1979)

6. That this prosecution is barred because of statute of limitations, immunity, and/or former jeopardy.

Points and Authorities:

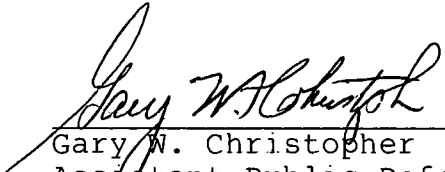
Benton v. Maryland, 295 U.S. 784 (1979)  
McMorris v. State, 277 Md. 62 (1976)  
Bowie v. State, 14 Md. App. 567 (1972)  
Thomas v. State, 277 Md. 257 (1976)

WHEREFORE the Defendant prays the following relief:

- a) Dismissal of the indictment and/or information;
- b) Supression of any in-court identification and/or illegally seized evidence and/or any statements or confessions;
- c) Severance of indictments/informations and/or severance of his trial from that of co-defendants;
- d) Any any further relief available by law.

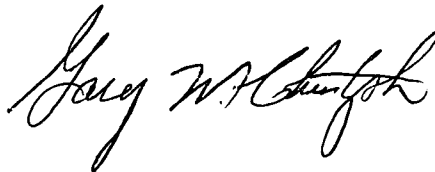


Respectfully submitted

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October,  
1986 a copy of the foregoing Motion was mailed to the Office  
of the State's Attorney for Baltimore City, Clarence M.  
Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore,  
Maryland 21202.



RECEIVED

1965 OCT 29 PM 2: 58

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

RECEIVED

STATE OF MARYLAND 1986 OCT 29 PM 2:58

IN THE

V.

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

CIRCUIT COURT

REUBEN RAINEY

FOR

IND. NO. 18626016-17

BALTIMORE CITY

OCT 30 1986

\* \* \* \* \*

MOTION FOR BILL OF PARTICULARS

Reuben Rainey, Defendant, by his undersigned attorneys, pursuant to Maryland Rule 4-241, requests this Court to issue an Order granting the Defendant certain information relative to the charges in the above-captioned case. The Defendant is charged in separate indictments with two counts each of (1) first-degree murder, (2) use of a handgun in the commission of a felony or crime of violence, and (3) unlawfully wearing, carrying and transporting a handgun on or about June 2, 1986. In order to prepare his defense to these charges, Defendant requests that the State be required to provide the following:

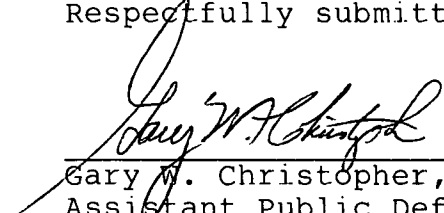
1) The date, time and place it is alleged where each incident occurred.

2) For each separate incident given in answer to paragraph 1 above, it is further prayed that the State be compelled to particularize the acts which are alleged to have occurred and the means used to commit the acts.

3) To specifically set forth the allegations against him.

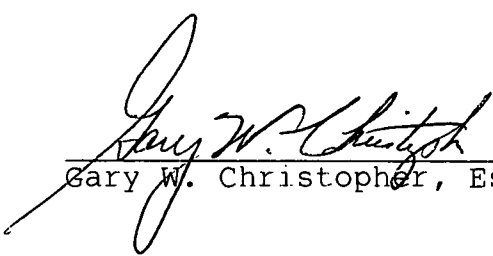
4) And for such other reasons as will be set forth at any hearing if one is required.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher, Esq.  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986, a copy of this Motion was delivered to The Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 N. Calvert Street, Baltimore, Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher, Esq.

STATE OF MARYLAND

v.

REUBEN RAINEY

IND. NO. 18626016-17

RECEIVED

1965 OCT 29 PM 2:58

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

OCT 30 1965

MOTION TO REQUIRE THE STATE TO COMPLY  
WITH RULE 4-342(c) PRIOR TO TRIAL

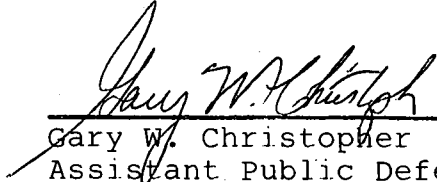
Reuben Rainey, Defendant, by his undersigned attorney, respectfully requests this Court to issue an order requiring the State's Attorney to make full disclosure prior to trial pursuant to Rule 4-342(c).

1) The State has filed notice of intention to seek the death penalty in the above-captioned case.

2) Rule 4-342(c) requires the State's Attorney to make full disclosure of all evidence it intends to produce at a sentencing proceeding within sufficient time before sentencing to permit Defendant a reasonable time to investigate the information.

3) Defendant will be irreparably harmed in his efforts to prepare his defense if full disclosure of sentencing evidence is not made prior to trial with sufficient time for investigation.

Respectfully submitted,

  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

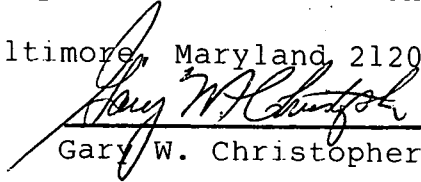
Counsel for Defendant

Citation of Authority

Griffin v. Illinois, 351 U.S. 12 (1956); Williams v. New York,  
337 U.S. 241 (1949); In re Lawrence t., 285 Md. 621, 403 A.2d  
1256 (1979); Costello v. State, 237 Md. 464, 206 A.2d 812 (1965);  
Jordan v. State, 5 Md. App. 520, 248 A.2d 410 (1968); Turner v.  
State, 5 Md. App. 584, 248 A.2d 801 (1968).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 19 , a copy of the above Motion was delivered to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore, Maryland 21202.

  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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O R D E R

It is hereby ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
1986 that the State shall disclose to Defendant, by his  
counsel, any information which the State expects to present  
to the court for consideration in sentencing. Such  
disclosure is to be made by \_\_\_\_\_

\_\_\_\_\_  
JUDGE



STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-417  
CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE CITY

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1986 OCT 29 PM 2:58

\* OCT 30 1986

MOTION TO COMPEL THE STATE TO  
COMPLY WITH RULE 4-263(a)(1) PRIOR TO  
TRIAL AND FOR AN IN-CAMERA REVIEW OF STATE FILES

Reuben Rainey, Defendant, by his undersigned attorneys, respectfully requests this Court to issue an order requiring the State's Attorney to make full disclosure prior to trial pursuant to Rule 4-263(a)(1) and for an in-camera review of the State's files.

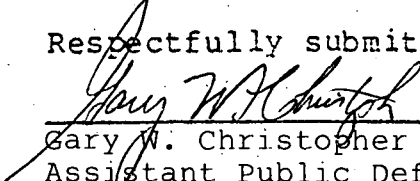
1) The State has filed notice of intention to seek the death penalty in the above-captioned case.

2) Rule 4-263(a)(1) requires the State's Attorney to furnish to the Defendant any material or information tending to negate or mitigate the guilt or punishment of the Defendant.

3) Defendant will be irreparably harmed in his efforts to prepare his defense if full disclosure of sentencing evidence is not made prior to trial with sufficient time for investigation.

4) Reliance on the State to review its files, and to determine what information tends to "negate or mitigate the guilt or punishment of the Defendant" would be improper and a violation of the Defendant's rights to due process.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Center  
Baltimore, Maryland 21201

CITATION OF AUTHORITY

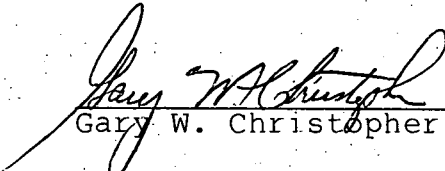
Brady v. Maryland, 373 U.S. 83 (1963);

Griffin v. Illinois, 351 U.S. 12 (1956);

Williams v. New York, 337 U.S. 241 (1949).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 19 , a copy of the above Motion was delivered to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr., Courthouse, 100 West Calvert Street, Baltimore, Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

ORDER

It is this            day of            , 19            , hereby  
ORDERED that the State's Attorney disclose to Defendant, by his  
counsel, all information which would be favorable to him in any  
manner whatsoever, said disclosures to be made at least thirty  
days prior to trial date; and it is further

ORDERED, that the State shall produce on the            day  
of            , 19            , at            a.m. in Room            , any  
and all records concerning said cases for an in-camera review by  
counsel and Court concerning such evidence.

\_\_\_\_\_  
JUDGE

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NO. 18626016-17

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CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

OCT 30 1986

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MOTION TO PROHIBIT DESTRUCTION OF NOTES BY THE POLICE

Defendant, by his undersigned attorney, respectfully requests this Court to compel the State's Attorney to prohibit the destruction or changing of any notes, reports, or other documentation or information whether in rough or finished form, by police and State officials involved in this case, and for reasons states:

1) The Defendant has separately filed a Motion calling for the production of witnesses' statements which would include, inter alia, rough notes of police officers.

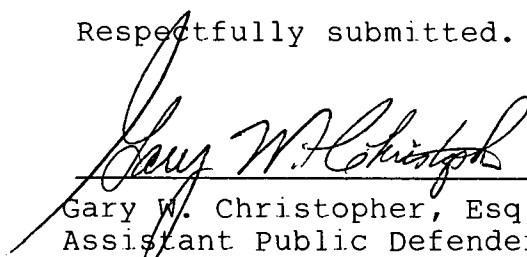
2) Destruction of any notes or other information by the police may prejudice the Defendant in discovering and establishing inconsistencies in the testimony of the State's witnesses and may be a violation of Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972).

3) And for such other reasons as will be set forth at the hearing on this Motion.

WHEREFORE, the Defendant prays this Court to compel the State not to destroy or change any notes, reports or other

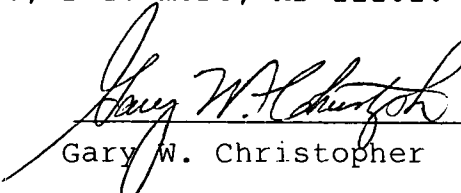
documentation or information whether in rough or finished form in the possession or control of the police and the State.

Respectfully submitted.

  
\_\_\_\_\_  
Gary W. Christopher, Esq.  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, MD 21201  
659-4840  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986, a copy of this Motion was mailed to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 N. Calvert St., Baltimore, MD 21202.

  
\_\_\_\_\_  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NO. 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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O R D E R

It is hereby ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
1986, that the State is prohibited from destroying or  
changing any notes, reports, or other documentation or  
information pertaining to the above captioned case, whether  
in rough or finished form, in the possession or control of  
the police and the State.

\_\_\_\_\_  
JUDGE

RECEIVED

STATE OF MARYLAND  
V.  
REUBEN RAINEY  
IND. NOS. 18626016-17

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CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE CITY

OCT 30 1986

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MOTION FOR PRODUCTION OF WITNESSES'  
STATEMENTS AND POLICE OFFICER'S NOTES

Reuben Rainey, Defendant, by his undersigned attorney, requests this Court to compel the State's Attorney to produce in advance of trial all written statements of State's witnesses, all grand jury testimony of State's witnesses, the substance of all oral statements of the State's witnesses and all rough notes of police officers and for reasons states the following:

1) The Defendant is not limited to exculpatory material in seeking the statements of witnesses. See Leonard v. State, 46 Md. App. 631, 637 (1980) and Carr v. State, 284 Md. 455 (1979).

2) The Maryland Court of Special Appeals in Leonard, noted that the decision in Jencks v. United States, 353 U.S. 657 (1957) was not binding per se upon Maryland courts but cited it as being persuasive.

3) The diaries and handwritten notes of police officers have been held to be discoverable under the Jencks Act. See U.S. v. Harris, 543 F.2D 1247 (9th Cir. 1976).

4) Production of witnesses' statements, including police officer's notes, before trial will avoid delays in the trial necessitated by the State withholding exculpatory



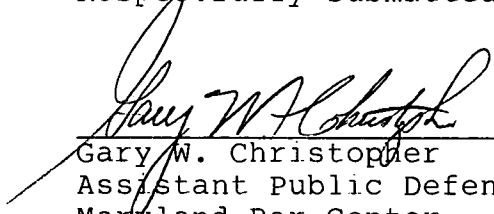
materials and inconsistencies. Allowing the State to hold off producing this information until trial may compel the defense to request continuances during the trial so that the statements may be read and so that any appropriate investigation, the need for which may first be brought to light by the statements, can be conducted.

5) The Court has the inherent authority to compel the production of these materials prior to trial. See, U.S. v. Algie, 503 F.Supp. 783 (E.D. Ky. 1980).

6) And for such other reasons as will be set forth at the hearing.

WHEREFORE, the Defendant prays this Court to compel the State's Attorney to produce in advance of trial all written statements of State's witnesses, all grand jury testimony of State's witnesses, the substance of any oral statements of State's witnesses and all notes and reports of the police officials involved in this case.

Respectfully submitted,

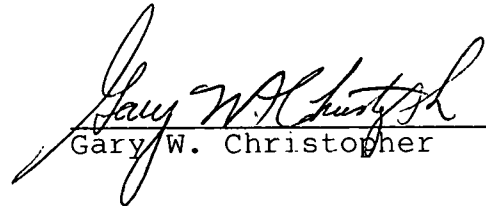


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Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201  
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October,  
1986 a copy of the foregoing Motion was mailed to the Office  
of the State's Attorney for Baltimore City, Clarence M.  
Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore,  
Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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O R D E R

It is hereby ORDERED this \_\_\_\_\_ of \_\_\_\_\_, 1986,  
that the State shall furnish the Defendant by his counsel  
all written statements, grand jury testimony, and the sub-  
stance of all oral statements of all State's witnesses.  
Such disclosure is to be made by \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

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CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

OCT 30 1986

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MOTION TO PRODUCE EVIDENCE RELATIVE TO  
PRE-TRIAL MOTIONS AND REQUEST FOR HEARING

Reuben Rainey, Defendant, by his undersigned attorneys, requests this Court to compel the State to produce any and all evidence in it's possession relevant to the pre-trial motions that have been filed by the Defendant and for reasons states:

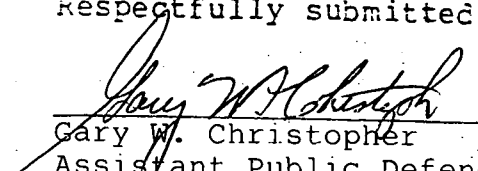
1) The defense has separately filed numerous pre-trial motions, including but not limited to, a Motion to Suppress the Defendant's confession on the grounds of involuntariness, coercion, a lack of counsel and as being the fruit of an illegal arrest; a Motion to Suppress Identification as being in violation of the right to counsel, inherently suggestive identification procedures in violation of the Due Process Clause of the United States Constitution, and as being the fruit of an illegal arrest; and Motion to Suppress any and all evidence seized as a result of the illegal arrest.

2) In order for the Court to evaluate the validity vel non of these contentions, all information in the possession of the State, the Police Department and any other law enforcement agencies involved in this matter will be relevant.

3) In order to assist the Court, and to allow the Defendant to adequately prepare for the hearings on these matters, it is necessary for the State to produce any and all information in its possession or of which it is aware dealing with these pre-trial motions.

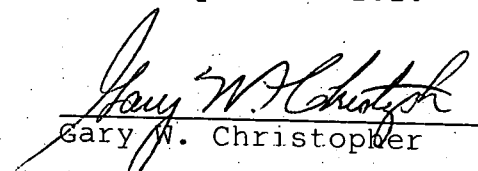
4) And for such other reasons as will be set forth at the hearing on this Motion.

Respectfully submitted,

  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986, a copy of this Motion was delivered to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore, Maryland 21202.

  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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O R D E R

It is hereby ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
1986, that the State's Attorney shall furnish the Defendant,  
through counsel, all evidence in its possession relevant to  
the pre-trial motions filed by Defendant. Such disclosure  
shall be provided by \_\_\_\_\_

\_\_\_\_\_  
JUDGE

STATE OF MARYLAND

v.

REUBEN RAINEY

IND. NO. 18626016-17

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1986 OCT 29 PM 2:58

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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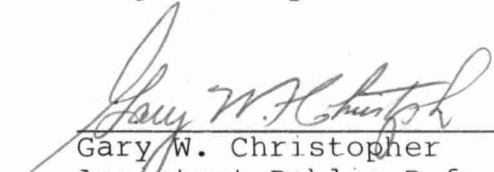
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MOTION TO EXAMINE ALL EVIDENCE  
IN THE  
POSSESSION OR CONTROL OF THE STATE

OCT 30 1986


Reuben Rainey Defendant, by his undersigned attorney, respectfully requests pursuant to Rule 4-263 that the State's Attorney produce and permit the Defendant to inspect and photograph at a reasonable time and place any tangible objects which the State seized for use at a hearing or trial in the above-captioned cases.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986 a copy of the foregoing Motion was mailed to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore, Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS.: 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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ORDER

It is hereby ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
1986, that the State shall produce and permit the Defendant  
by his counsel to inspect and photograph any tangible objects  
which the State seized for use at a hearing or trial in the  
above captioned case. Such disclosure is to be made by

\_\_\_\_\_.

\_\_\_\_\_  
JUDGE



STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NOS. 18626016-17

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CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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OCT 30 1986

MOTION FOR PRODUCTION OF PHOTOGRAPHIC COPIES OF SCENE

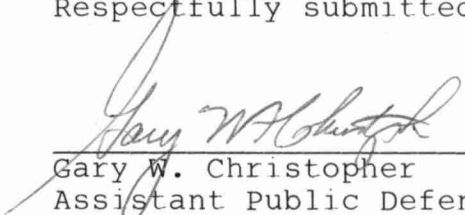
Defendant, by his undersigned attorney, respectfully requests pursuant to Rule 4-263 that the State's Attorney furnish the Defendant with copies (not photocopies) of all photographs taken at the autopsy and at the scene.

1) Photographic copies are necessary for the preparation of the defense at trial and at sentencing.

2) Photographic copies are necessary to permit expert witness(es) to evaluate the mental condition of the Defendant.

3) And for such other reasons as may be presented at a hearing on this matter.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October,  
1986 a copy of the foregoing Motion was mailed to the Office  
of the State's Attorney for Baltimore City, Clarence M.  
Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore,  
Maryland 21202.

*Gary W. Hinchey*

STATE OF MARYLAND

V.

REUBEN RAINEY

IND. NO. 18626016-17

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

O R D E R

It is hereby ORDERED this \_\_\_\_\_ day of \_\_\_\_\_,  
198 , that the State's Attorney shall furnish the Defendant,  
through counsel, photographic copies of all photographs taken at  
the autopsy and at the scene in the above-captioned cases. Such  
copies shall be provided no later than \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

STATE OF MARYLAND

IN THE

v.

CIRCUIT COURT

REUBEN RAINEY

FOR

BALTIMORE CITY

Case Nos.: 18626016-17

MOTION IN LIMINE RELATIVE  
TO EVIDENCE OF CRIMINAL CONDUCT

Now comes Reuben Rainey, Defendant, by and through M. Gordon Tayback, Appointed Public Defender, and moves prior to trial to bar all evidence of prior criminal conduct on the part of the Defendant except such evidence as demonstrates a final conviction of Defendant for a "crime of violence" as that term is defined at Code (1957, 1982 repl. Vol.), Art. 27, Sec. 413(g) (1), and for his reasons says:

- 1) Evidence of unadjudicated criminal activity is inadmissible at the penalty phase.
- 2) Evidence of the facts and circumstances underlying criminal convictions is inadmissible.
- 3) Evidence of the facts and circumstances underlying criminal convictions for "crimes of violence" as that term is defined in Art. 27, Sec. 413(g) (1) is inadmissible.
- 4) Evidence of juvenile adjudication is inadmissible.
- 5) Evidence of criminal convictions pending on appeal is inadmissible.

WHEREFORE, Defendant hereby makes a continuing objection; and moves for an order barring, at the penalty phase of this case, evidence of and all reference to any and all alleged criminal conduct on the part of the Defendant except for such documentary evidence as establishes Defendant's final conviction of abduction, arson, escape, kidnapping, voluntary manslaughter, mayhem, murder, robbery, rape, or sexual offense in the first and second degree, or an attempt to commit any of these offenses, or the use of a handgun in the commission of a felony or another crime of violence.

POINTS AND AUTHORITIES

Article 27, § 413, Annotated Code of Maryland.

Scott v. State, 297 MD. 235, 465 A.2d 1126 (1983).

State v. Biegenwald, 477 A.2d 318 (N.J., 1984).

People v. Balderas, 41 Cal.3d 144 (1985).

M. Gordon Tayback  
M. Gordon Tayback  
321 N. Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Appointed Public Defender  
for Defendant

CERTIFICATION

I HEREBY CERTIFY this 19<sup>th</sup> day of January, 1987, that a copy of the foregoing Motion was delivered to the Office of the State's Attorney for Baltimore City, Clarence E. Mitchell, Jr. Court House, Baltimore, Maryland 21202.

M. Gordon Tayback  
M. Gordon Tayback

STATE OF MARYLAND

IN THE

v.

RECEIVED

CIRCUIT COURT

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REUBEN RAINEY

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

FOR

BALTIMORE CITY

Case Nos.: 18626016-17

MOTION TO BAR "VICTIM IMPACT" EVIDENCE

Now comes Reuben Rainey, Defendant, by and through M. Gordon Tayback, Appointed Public Defender, and respectfully moves in bar of, and requests a continuing objection to, oral or written "victim impact" evidence, prepared and offered pursuant to Art. 41, Sec. 124 or 643D or otherwise, which:

- 1) Identifies the economic status of the victim, or
- 2) Describes the victim's personal attributes, or
- 3) Describes the victim's family relationships, or
- 4) Describes the victim's educational or social background, or
- 5) Describes the impact of the murder upon victim's family, or
- 6) States or implies the wishes of the victim's family as to sentencing, or
- 7) Otherwise relates to the status of the victim or her family or friends, or
- 8) Is otherwise irrelevant to the statutory aggravating circumstances set forth in the State's notice

of intention to seek the penalty of death.

M. Gordon Tayback  
M. Gordon Tayback  
321 N. Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Appointed Public Defender  
for Defendant

CERTIFICATION

I hereby certify this 19<sup>th</sup> day of January, 1987, that a copy of the foregoing was delivered to the Office of the State's Attorney for Baltimore City, Clarence E. Mitchell, Jr. Court House, Baltimore, Maryland 21202.

M. Gordon Tayback  
M. Gordon Tayback

STATE OF MARYLAND

v.

REUBEN RAINEY

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

Case Nos.: 18626016-17

MEMORANDUM IN SUPPORT OF MOTION TO  
BAR VICTIM IMPACT STATEMENT

The Supreme Court has consistently and clearly stated that the necessary and permissible focus of a capital sentencing proceeding is upon the character and record of the individual offender and the circumstances of the particular offense. "What is important is an individualized determination on the basis of the character of the individual and the circumstances of the crime." Barclay v. Florida, \_\_\_ U.S. \_\_\_ 103 S.Ct. 3418, 3419, 77 L.Ed.2d 1134, 1149 (1983); California v. Ramos, \_\_\_ U.S. \_\_\_ 103 S.Ct. 3446, 77 L.Ed.2d 1171, 1180-81 (1983) (factors bearing upon defendant's future dangerousness permissible); Zant v. Stephens, \_\_\_ U.S. \_\_\_ 103 S.Ct. 3383, 77 L.Ed.2d 235, 251 (1983); Woodson v. North Carolina, 428 U.S. 280, 304 (1976); Gregg v. Georgia, 428 U.S. 153, 189, 197-98, 206 (1976). The purpose of this focus is self-evident:

"Furman mandates that where discretion is afforded a sentencing body on a matter so grave as the determination of whether a human life should be taken or spared that discretion must be suitably directed and limited so as to minimize



the risk of wholly arbitrary and capricious action." Gregg, 428 U.S. at 189.

The weighing of aggravating and mitigating factors was designed to satisfy that purpose. It attempts to focus the deliberations in a rational way on the offender and the offense, and to weed out arbitrary and potentially prejudicial information. Yet, the introductions of a victim impact statement defeats these efforts to channel discretions. By focusing on the victim and the effect of the victim's death on the family, certain arbitrary factors are interjected into the deliberations. The victim's "class" and "social position" are brought to bear. Furman v. Georgia, 408 U.S. 238, 242 (1972) (Douglass, J., concurring). These distinctions are declared to be arbitrary, since "to punish on those basis furthers no discernible social or public purposes." Id at 312 (White, J., concurring). "The concern for avoiding arbitrariness naturally implies that imposing a death sentence on the basis of peculiar characteristics -- such as race, religion, or wealth -- is forbidden." Moore v. Zant, 722 F.2d 640, 646 (11th Cir. 1983). The teaching of the Supreme Court's decisions is that any basis for imposing a death sentence which relates neither to the crime nor the defendant is per se an arbitrary basis and is constitutionally impermissible.

In People v. Free, 447 N.E.2d 218 (Ill. 1983), the Supreme Court of Illinois addressed the issue of the admissibility of testimony concerning the impact of the victim's death on her family at the sentencing phase of a capital case. Had an objection been properly made at trial, the court stated, the trial court would have been

required to make a determination of the evidence reliability and relevance to the sentencing determination. It was significant that the victim impact testimony was not admitted at the phase of the trial where the State was required to prove the existence of the aggravating factors where consideration of this evidence would have been clearly improper. In Maryland, where the jury makes the determination of the existence of the aggravating factor and the weighing against mitigation in the same phase, the impact on the victim's family should not be admitted.

No where has the Court intimated that the jury should focus on the amount of grief or suffering any particular victim's family has endured. One need not look merely to the post - Furman capital cases to discern that the law never predicated punishment upon whether one's victim was affected by a crime more than another's victim:

"Our law inflicts pain not in a spirit of vengeance, but to promote the essential purposes of public justice. Severity is not cruelty. The punishment ought to bear a due proportion to the offense. Crimes of great atrocity ought to be visited with such penalties as would check, if not prevent their commission. It is impossible in the abstract to mark the boundaries which separate cruelty from just severity. If the circumstances accompanying a crime are of unusual aggravation the punishment ought to be unusually severe."  
Mitchell v. State, 82 Md. 527, 34 A.2d 246 (1896).

More recently, the Court of Appeals emphasized that "a sentence should be fashioned, to the best of the sentencing judge's ability, to the facts and circumstances surrounding the crime and the individual then being sentenced." Henry v. State, 273 Md. 131, 150, 328 A.2d 293

(1974). (Emphasis Supplied). Thus even in non-capital cases, the courts have forbidden "victim impact" testimony at sentencing. In Muckle v. State, 233 Ga. 337, 211 S.E.2d 361 (1974), the Georgia Supreme Court vacated the sentence in a rape case where the victim had been outgoing, loving, and a good student before the crime but after it became withdrawn, scared, nervous and ultimately discontinued her studies.

"To allow the sentence imposed to be influenced by such evidence would mean that the severity of the punishment could depend on the emotional state of the unfortunate victim." Id. at 339.

See also People v. Gregory, 22 Ill.2d 601, 177 N.E.2d 120 (1961).

In tort law the "defendant must accept the frailties with which the plaintiff may be afflicted." Peterson v. Goodyear Tire and Rubber Co., 254 Md. 137, 142, 254 A.2d. 198 (1969). See also Dulieu v. White, [1901] 2 K.B. 669. This reflects a principle of torts because the purpose of the tort law is to compensate the victim. Such a standard is wholly inapplicable to criminal law.

"A tort is not the same thing as a crime, although the two sometimes have many features in common. The distinction between them lies in the interests affected and the remedy afforded by the law. A crime is an offense against the public at large, for which the state, as the representative of the public, will bring proceedings in the form of a criminal prosecution. The purpose of such a proceeding is to protect and vindicate the interests of the public as a whole, by punishing the offender or eliminating him from society, either permanently or for a limited time, by reforming him or teaching him not to

repeat the offense, and by deterring others from imitating him. A criminal prosecution is not concerned in any way with compensation of the injured individual against whom the crime is committed, and his only part in it is that of an accuser and a witness for the State. So far as the criminal law is concerned, he will leave the courtroom empty-handed. W. Prosser, Law of Torts 7 (4th Ed. 1971). (Notes omitted).

Surely a law would be stricken which reserved the death penalty for the murder of admirable persons with good backgrounds, while punishing less severely the murder of the socially undesirable. Yet that is the net effect of victim impact evidence.

This is not to say that victim character evidence is inadmissible if it actually bears on some relevant sentencing issue such as, for example, whether the victim was an accomplice. In Moore v. Zant, 722 F.2d 640 (11th Cir., 1983), in response to the defendant's evidence suggesting that the victim had been an accomplice in the robbery, the State offered the testimony of the victim's father as to the victim's good character and positive attributes. In upholding the Georgia Supreme Court's ruling that the evidence, limited in its scope and content, was admissible to rebut an issue injected by the defense, the majority recognized that a death sentence may not be imposed "on the basis of the peculiar characteristics of the persons involved" and flatly posited that "[a]ny exploration in the character of the victim [is] fraught with constitutional danger.

The dissent in Moore was not persuaded by the claimed relevance of the evidence:

"[T]he testimony of the victim's father presented the jury with a constitutionally unacceptable criterion for imposing the death penalty, i.e., the victim's value to society and to her family...In short, the testimony of the victim's father, with the prosecutor's comments, served not merely to let the jury know who the victim was, but rather to urge the jury to return a sentence of death because of who the victim was.

\* \* \*

The testimony of the victim's father and the prosecutor's remarks thereon confirm that the evidence was offered for the constitutionally unacceptable purpose of demonstrating, as aggravating circumstances, the victim's worth as a member of society and of her family, the relative social value of the victim and the defendant, and/or the sympathy due the victim and her family.

\* \* \*

I submit that the social value of the victim is precisely the sort of 'peculiar characteristic' which, if emphasized, poses an intolerable risk of arbitrariness in the sentencing determination.


Although this appears to be an issue of first impression, my conclusion logically follows from the Supreme Court's accommodation of the sometimes conflicting constitutional interests in avoiding arbitrariness and promoting individualization in capital sentencing. In response to the assertion that sentencer consideration of nonstatutory aggravating factors leads to arbitrariness, the court in Stephens noted that while statutory guidelines serve to channel sentencer discretion, consideration of other factors helps ensure 'an individualized determination on the basis of the character of the individual and the circumstances of the crime.' 103 S.Ct. at 2744 (Emphasis in original) Put differently, the enhanced individualization resulting from consideration

of nonstatutory factors is viewed as offsetting the constitutional dangers posed by the greater discretion and concomitant risk of arbitrariness. Accordingly, in order for evidence of a given nonstatutory aggravating factor -- such as the victim's social value -- to be constitutionally admissible, it must further, or at least have the potential to further, an individualized determination 'on the basis of the character of the individual and the circumstances of the crime.' Because evidence of the victim's social worth directly relates to neither category, its admission at the sentencing phase of a capital trial is unconstitutional." (Kravitch, J., dissenting) (Emphasis in original; footnote omitted.)

Clearly, here the victim's character and background do not relate to any issue to be raised at sentencing. The only purpose for the introduction of evidence of victim impact is to "attach[] the 'aggravating' label to factors that are...totally irrelevant to the sentencing processs..." Zant v. Stephens, 77 L.Ed.2d at 255. It invites the jury to sentence on the basis of the victim's status, on whether the particular victim was more or less precious to his survivors than another victim, and whether those survivors are more or less articulate and impressive than others. It trades on the victim's social position and class. Finally, it is a type of evidence which laymen find most difficult to weigh dispassionately. The net effect is to place in the sentencing process, a factor which cannot be weighed and destroys the balance of the circumstances of the offense against the character of the defendant.

The fact that the Victim Impact Statement is a required element of a pre-sentence investigation report, Art. 41, Sec. 124, which is expressly permitted into evidence by Art. 27, Sec. 413(c)(iv), begs the question. Certainly, neither the Victim Impact Statement nor the Pre-Sentence Investigation report could be utilized to place otherwise impermissible evidence before the jury. The contents of those reports must be evaluated in terms of the relevance to the crime or the defendant. Those portions which interject improper considerations into the sentencing determination or which serve to inflame the passion or prejudice of the jury cannot be admitted simply because they bear the appropriate title.

Respectfully Submitted,

  
\_\_\_\_\_  
M. Gordon Tayback  
321 North Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Appointed Public Defender  
for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Memorandum was delivered to the Office of the State's Attorney for Baltimore City, Clarence Mitchell Court House, Baltimore, Maryland 21202, January 19, 1987.

  
\_\_\_\_\_  
M. Gordon Tayback

STATE OF MARYLAND

IN THE

v.

CIRCUIT COURT

REUBEN RAINEY

RECEIVED  
1997 JAN 19 PM 1:36  
CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

FOR

BALTIMORE CITY

Case Nos.: 18626016-17

SUPPLEMENTAL MOTION TO DISMISS NOTICE OF  
INTENTION TO SEEK THE PENALTY OF DEATH

Now comes Reuben Rainey, Defendant, by and through M. Gordon Tayback, and hereby moves in bar of the penalty of death filed herein, and for his reasons says:

- 1) Defendant has been charged with first degree murder and related offenses. The State has notified Defendant of its intention to seek the penalty of death. Defendant has pleaded not guilty.
- 2) Given the more aggravated cases in Baltimore City where seeking the death penalty was an option available to the State, the decision to seek the penalty of death here is arbitrary, capricious, and discriminatory.
- 3) The decision to seek the penalty of death in this case was made without reference to any standards articulated either by this State's Attorney office or on a statewide level.



WHEREFORE, Defendant requests that the notice to seek the penalty of death be stricken.

M. Gordon Tayback  
M. Gordon Tayback  
321 N. Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Appointed Public Defender  
for Defendant

CERTIFICATION

I HEREBY CERTIFY this 19th day of January, 1987,  
that a copy of the foregoing Motion was delivered to the  
Office of the State's Attorney for Baltimore City, Clarence  
Mitchell Court House, Baltimore, Maryland 21202.

M. Gordon Tayback  
M. Gordon Tayback

STATE OF MARYLAND

IN THE

v.

CIRCUIT COURT

REUBEN RAINEY

FOR

BALTIMORE CITY

Case Nos.: 18626016-17

REQUEST FOR DISCOVERY RELATIVE TO  
SUPPLEMENTARY MOTION TO DISMISS NOTICE OF INTENTION TO  
SEEK THE PENALTY OF DEATH

Now comes Reuben Rainey, Defendant, by and through M. Gordon Tayback, Appointed Public Defender, and demand herewith production by the State's Attonrey of the following information relative to his supplementary motion to dismiss the notice of intention to seek the penalty of death, filed this date.

1) Any and all documents, memoranda, correspondence, or reports explaining or otherwise pertaining to the decision of whether to seek the penalty of death in this case.

2) With respect to all cases arising since July 1, 1978, wherein charging documents alleging murder were filed,

- a) a statement of the race of the victim and the race of the defendant;
- b) any and all memoranda, reports, correspondence, or other writing pertaining to the decision to seek the penalty of death vel non;
- c) if what is requested in (b), supra, cannot be

58

supplied, a statement of reasons why the sentence of death was or was not sought.

*M. Gordon Tayback*

M. Gordon Tayback  
321 N. Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Appointed Public Defender  
for Defendant

CERTIFICATION

I HEREBY CERTIFY this *19<sup>th</sup>* day of *January*, 1987, that a copy of the foregoing Motion was delivered to the Office of the State's Attorney for Baltimore City, Clarence Mitchell Court House, Baltimore, Maryland 21202.

*M. Gordon Tayback*

M. Gordon Tayback

STATE OF MARYLAND

VS.

REUBEN RAINEY

CASE NO. 18626018

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1987 FEB 11 PM 12:58

CIRCUIT COURT

BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

\* \* \* \* \*

MOTION FOR APPROPRIATE RELIEF

NOW COMES Kurt L. Schmoke, State's Attorney for Baltimore City, by his assistants, Sam Brave and Brian Murphy, Assistant State's Attorneys for Baltimore City, and respectfully moves that this court pass an Order compelling the above-captioned Defendant to submit immediately and in ten-day intervals thereafter to a pre-trial competency examination by the Medical Office of the Circuit Court for Baltimore City. In support of this Motion, it is stated:

1. The above-captioned Defendant is charged with two counts of murder in the first degree for which the State is seeking a penalty of death. The trial date is March 2, 1987 in Circuit Court Part 7.

2. Two of the State's chief witnesses are Leroy Boyce and Nellie Chew, both of whom are being held in jail awaiting trial on unrelated narcotics charges.

3. The Defendant has for some time known the importance of these witnesses and also has known for some time of the State's desire to try the narcotics case after the Defendant's murder case so that Mr. Boyce's and Ms. Chew's cooperation can be brought to the attention of the sentencing judge in the narcotics case.

4. The state has learned from Mr. Boyce, and others, that the Defendant, Reuben Rainey, has boasted that he will endeavor to

of 8 copies 2/11/87

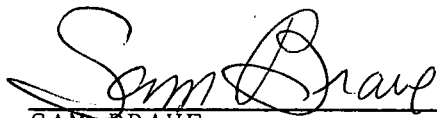
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postpone his murder case for as long as possible so that Mr. Boyce and Ms. Chew's narcotics case will also be postponed, thereby causing the two witnesses to languish in jail, become angry, and refuse to testify truthfully for the State in the murder trial. Toward this end, Mr. Rainey has boasted that he will endeavor on the eve of trial to fake a mental illness so that the trial can be postponed for a competency evaluation.

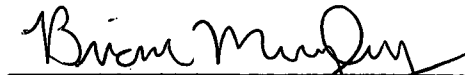
5. The State has discussed these matters with Nicholas Conti of the Circuit Court Medical Office who has suggested a procedure in accordance with the attached Order.

6. All of the above facts, except our recent visit to discuss this matter with Nicholas Conti, have previously been brought to the attention of defense counsel, M. Gordon Tayback.

WHEREFORE, the State respectfully requests that in the interest of justice this court pass the attached Order.



SAM BRAVE  
ASSISTANT STATE'S ATTORNEY



BRIAN MURPHY  
ASSISTANT STATE'S ATTORNEY

STATE OF MARYLAND

VS.

REUBEN RAINEY

CASE NO. 18626016, 17

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CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

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IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

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ORDER

After consideration of the foregoing Motion, it is hereby  
this 11<sup>TH</sup> day of February, 1987,

ORDERED that the above-captioned Defendant, Reuben Rainey,  
be immediately examined for competency to stand trial by the  
Medical Office of the Circuit Court, and that he thereafter be  
examined in ten-day intervals until the completion of the above-  
captioned case.

*Anne W. Davis*

JUDGE

CIRCUIT COURT FOR BALTIMORE CITY

STATE OF MARYLAND

\*

IN THE

VS.

\*

CIRCUIT COURT

REUBEN RAINEY

\*

FOR

INDICTMENT NO: 18626016

\*

BALTIMORE CITY

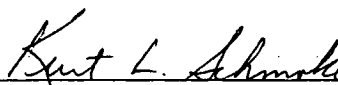
\* \* \* \* \*

NOTICE OF INTENTION TO SEEK DEATH PENALTY

Now comes Kurt L. Schmoke, State's Attorney for Baltimore City, in accordance with Article 27, Section 412 of the Annotated Code of Maryland, and hereby notifies Reuben Rainey, the Defendant herein, that the State of Maryland intends to seek a sentence of death at the trial of the case herein.

Reuben Rainey, the Defendant herein, is further notified that the State intends to rely on the aggravating circumstances as defined in Article 27, Section 413(d)(9) of the Annotated Code of Maryland, to wit: the Defendant committed more than one offense of murder in the first degree arising out of the same incident, namely the murders of: Deborah Veney and Glenita Johnson.

Reuben Rainey, the Defendant herein, is further notified that the State intends to rely on the aggravating circumstances as defined in Article 27, Section 413(d)(9) of the Annotated Code of Maryland, to wit: the Defendant committed more than one offense of murder in the first degree arising out of the same incident.



KURT L. SCHMOKE

STATE'S ATTORNEY FOR BALTIMORE CITY

3/2  
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STATE OF MARYLAND

\*

IN THE

Vs.

\*

CIRCUIT COURT

RUBIN J. RAINEY

\*

FOR

INDICTMENT NOS: 18626016-17

\*

BALTIMORE CITY

\* \* \* \* \*

STATE'S REQUESTED VOIR DIRE TO INDIVIDUAL JURORS

The State requests that the following questions be propounded to the members of the jury panel individually in the closed courtroom by the court:

1. If the Defendant is convicted, the State will be seeking the death penalty. Procedures require that two separate trials be held. In the first trial only the Defendant's guilt or innocence will be determined. If the Defendant is convicted, then a second trial will be held, in which the jury will determine his sentence. During the sentencing phase evidence both for and against the death penalty will be presented. Do you know of any reason why you could not sit and render a fair verdict based on the law and evidence in either the guilt or sentence phase of this case?

2. Do you have any strong convictions, religious, personal or otherwise, about the death penalty which would make it difficult for you to try a case in which that may be the sentence?

3. Are your convictions about the death penalty such that you feel they would prevent or substantially impair the performance of your duties as a juror in following the instructions given you by the court?

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CIRCUIT COURT  
BALTIMORE MARYLAND  
CLERK E. DANKS

64



4. Do you feel that you could take an oath to well and truly try the issues in this case and follow the law, or is your conviction about the death penalty so strong that you cannot take such an oath knowing that a possibility exists that a sentence of death may be imposed?

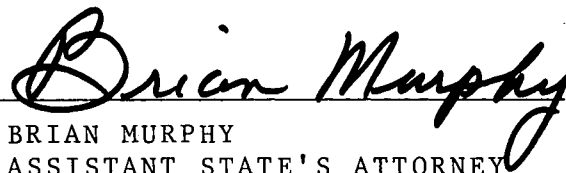
5. In summary, would your views about the death penalty prevent or substantially impair the performance of your duties as a juror in accordance with the instructions the court may give you and your oath as a juror?

6. In a proper case could you vote for the death penalty?  
In a proper case could you vote for life imprisonment?

7. There exists the possibility that, at some point in the trial the jury may be sequestered, that is placed in hotel rooms at night and kept away from improper influences. Would having to stay in a hotel room for several days cause an overwhelming hardship on you so that it would be impossible for you to sit on this panel?



SAM BRAVE  
ASSISTANT STATE'S ATTORNEY



BRIAN MURPHY  
ASSISTANT STATE'S ATTORNEY

STATE OF MARYLAND

\*

IN THE

V.

RECEIVED\*

CIRCUIT COURT

REUBEN RAINEY

1986 OCT 29 PM 2:58

FOR

IND. NO. 18626016-17 CIRCUIT COURT\*

BALTIMORE CITY

BALTIMORE, MARYLAND

SAUNDRA E. BANKS

CLERK

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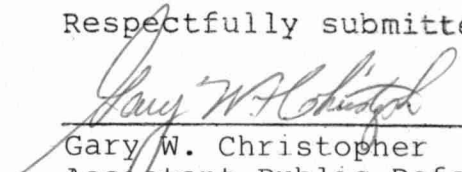
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MOTION FOR INDIVIDUAL VOIR DIRE

OCT 30 1986

Defendant, by his undersigned counsel, moves that this Court allow counsel to conduct the voir dire of prospective jurors individually, and outside the presence of the other potential jurors.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Christopher  
Assistant Public Defender  
Maryland Bar Center  
520 West Fayette Street  
Baltimore, Maryland 21201

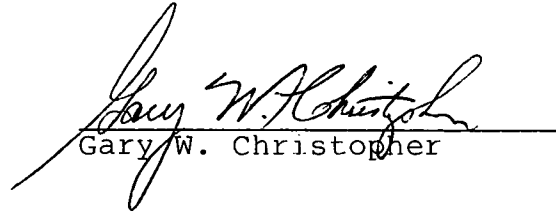
Citation of Authority

Hovey v. Superior Court, 28 Cal.3d 1, 69-81, 168 Cal.Rptr. 128 (1980).

Evans v. State, 304 Md. 487, 514-15, 499 A.2d 1261 (1985).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 1986 a copy of the foregoing Motion was mailed to the Office of the State's Attorney for Baltimore City, Clarence M. Mitchell, Jr. Courthouse, 100 W. Calvert Street, Baltimore, Maryland 21202.

  
\_\_\_\_\_  
Gary W. Christopher

## JURY PANEL SELECTION

State of Maryland v. Reuben Rainey

JURY SWORN \_\_\_\_\_ 1987.  
FOREMAN \_\_\_\_\_DOCKET NUMBER 18626016-17 COURTROOM :215 NUMBER REQ : 060  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
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001	MCDOWELL	MONICA P	PARK HEIGHTS	FEMALE	15	20		SINGLE	062987-055	---
	UNEMPLOYED									

(X) SC 2

002	MICHAELS	STEPHANIE	PARK AVE	FEMALE	01	35	12	SINGLE	062987-056	---
	ADMINISTRATIVE ASST									

(2)

003	ALLISON	SHELIA A	FRESH ST	FEMALE	02	20	13	SINGLE	062987-059	---
	STUDENT									

(X) SC 5

004	JORDAN	MICHAEL L	ELMORA AVE	MALE	13	30	18	MARRIED	062987-061	---
	CHEMIST							CATHERINE NURSE		

(X) DC 8

005	KILLMOND	HILDA W	KENYON AVE	FEMALE	13	63	12	MARRIED	062987-066	---
	HOUSE WIFE							THOMAS RETIRED		

(X) DC 2

006	PAWLAK	MARY E	EAST AVE	FEMALE	24	25	14	MARRIED	062987-068	---
	CLERK							WILLIAM MANAGER		

(6)

007	BOYD	SIVITRI D	OAKLEY AVE	FEMALE	15	19	13	SINGLE	062987-069	---
	STUDENT									

(X) SC 1

008	JONES	MARIANNE M	ROLAND SPRING	FEMALE	10	54	16	MARRIED	062987-070	---
	ACCOUNTANT							ROBERT ADMINISTRATOR		

(X) DC 3

009	GREGORY	ANNETTE C	REXMERE ROAD	FEMALE	18	45	11	SEPARATED	062987-071	---
	WAITER/WAITRESS									

(9) - refused 7-14-87

010	STARZYNSKI	JAMES J	ROSE ST	MALE	24	57	08	SINGLE	062987-075	---
	CITY EMPLOYEE									

(10) DC 1

011<sup>s</sup> ROBERTS JAMES M MALE 33 MARRIED 062987-076  
ATTORNEY WINANS WAY 29 BREND HOMEMAKER

012<sup>d</sup> WEBB VALERIE D FEMALE 21 12 SINGLE 062987-077  
AIDE PITCHER ST 17

013<sup>s</sup> THOMPSON LANCE V MALE 20 14 SINGLE 062987-078  
OCCUPATION UNKNOWN CALLOW AVE 17

014<sup>9</sup> KARETSKY ANDREW D MALE 21 15 SINGLE 062987-079  
STUDENT 33RD ST 18

015<sup>s</sup> PACK ARLYNNE D FEMALE 29 16 SINGLE 062987-080  
THERAPIST 40TH ST 11

016 MATHER VIOLET FEMALE 42 09 WIDOW(ER) 062987-083  
HOUSE WIFE BELAIR ROAD 06

017 SUTER ROSE M FEMALE 29 12 MARRIED 062987-084  
HOMEMAKER EAGLE ST 23 SAMUEL POLICE OFFICER

018<sup>0</sup> HOLLINGSWORTH CARRIE FEMALE 66 08 WIDOW(ER) 062987-089  
RETIRED BOLTON ST 01

019<sup>s</sup> BEALE DENISE FEMALE 23 10 SINGLE 062987-093  
HOMEMAKER LEXINGTON ST 23

020<sup>9</sup> ZASKE MARY B FEMALE 40 18 DIVORCED 062987-097  
SELF EMPLOYED WOODBOURNE AV 12

021<sup>s</sup> MORRIS STANLEY E MALE 27 14 SINGLE 062987-099  
WAITER/WAITRESS BIDDLE ST 01

022<sup>0</sup> STEINBERG JULIE A FEMALE 27 19 MARRIED 062987-100  
ATTORNEY CULDSRING LA 10 ANDREW OCCUPATION UNKNOW

023<sup>s</sup> MEAKIN DAVID H MALE 29 14 MARRIED 062987-102  
TECHNICIAN MADISON AVE 17 ELLEN THERAPIST



024<sup>D</sup> FAIRHALL JOE H MALE 35 13 SEPARATED 062987-104  
REPORTER CALVERT ST PK 18

(8)

025<sup>S</sup> HILL ROSE M FEMALE 26 14 SINGLE 062987-106  
CLERK TIVOLY AVE 18

DC 9

026<sup>D</sup> BOUL NINA L FEMALE 32 SINGLE 062987-107  
TEACHER GUILFORD AVE 18

(4) - excused 7-13-87

027<sup>S</sup> SYKES SONJA L FEMALE 38 14 DIVORCED 062987-111  
UNEMPLOYED LANVALE ST 13

(11) - (1)

028<sup>D</sup> MCCLENDON SYLVESTER E MALE 63 08 MARRIED 062987-112  
PAINTER INGLESIDE AVE 15 EULETHA FOOD SERVICE HELP ✓

N.P.

029<sup>D</sup> PRESKO JAMES R MALE 60 11 MARRIED 062987-114  
STORE KEEPER EDMONDSON AVE 29 LOUISE FACTORY WORKER

SC 6

030<sup>S</sup> MACKALL MARCIA M FEMALE 19 11 SINGLE 062987-117  
MAINTENANCE PERSON ABBOTT CT 02

(3)

031<sup>D</sup> STAUSE MARY F FEMALE 22 14 SINGLE 062987-119  
STUDENT GIBBONS AVE 14

DC 12

032<sup>S</sup> CARSON WAYNE R MALE 30 12 MARRIED 062987-120  
ASSISTANT MANAGER WHITE AVE 14 KATHRYN

cause

033 TAYLOR SUSAN I FEMALE 27 16 MARRIED 062987-122  
ANALYST GITTINGS AVE 12 TERENCE ARCHITECT

N.P.

034 JONES TAWANDA T FEMALE 20 13 SINGLE 062987-123  
JANITOR BENTALOU ST 16

SC 7

035<sup>D</sup> DORSEY ROSLYN R FEMALE 20 12 SINGLE 062987-124  
TELEPHONE OPERATOR LINWOOD AVE 05

(1) - (11)

036<sup>S</sup> BURFORD DAWN J FEMALE 18 08 SINGLE 062987-128  
LABORER WILKENS AVE 23

037 D KOHR SUPERVISOR HOY R FEMALE 23 16 MARRIED 062987-131  
RIVERSIDE AVE 30 RICHARD PAYROLL CLERK

AL2 - refused 7-6-87

038 S TURNAGE MYRTLE L FEMALE 54 09 DIVORCED 062987-134  
OCCUPATION UNKNOWN BROADWAY 13

039 HALLER JR ATTORNEY CHARLES E MALE 28 SINGLE 062987-135  
29TH ST 18

AL3 D3 AC1

040 D MARSHALL ACCOUNTANT CASSANDRA T FEMALE 28 15 SINGLE 062987-136  
ST PAUL ST 18

AL4 S4 C1

041 S WRIGHT UNEMPLOYED CELINA V FEMALE 19 12 SINGLE 062987-139  
BEECHFIELD AV 29

AL1 - 7-13-87

042 D WILSON CLERK ROSE A FEMALE 51 12 MARRIED 062987-142  
BOKEL CT 12 JAMES STEEL WORKER

D3 AC2

043 S SEWELL HOMEMAKER DEBORAH A FEMALE 34 12 MARRIED 062987-143  
CHRISTIAN ST 23 NEILL POLICE OFFICER

S3 AC1

044 HANNON FACTORY WORKER PEARL A FEMALE 66 06 WIDOW(ER) 062987-144  
MILES AVE 11

AL3 - AL2 - 7-7-87 - AL1 7-13-87

045 STEINMEIER MANAGER JAMES H MALE 50 18 MARRIED 062987-145  
HANOVER ST 30 COLETTE CLERK

D4 AC1

9 7-14-87

046 STUBBS CLERK DOUGLAS A MALE 28 18 MARRIED 062987-148  
MOSHER ST 17 KRISTIN THERAPIST

AL4 - AL3 7-7-87 - AL2 7-13-87

047 FISHER OTHER JAMES D MALE 26 15 MARRIED 062987-150  
PINWOOD AVE 14 LORI

AL1 7-14-87

048 COLL ACCOUNTANT CLERK KATHLEEN M FEMALE 25 12 SINGLE 062987-151  
SHANNON DR 13

049 COOPER CORRECTIONAL OFFICER DEIRDRE FEMALE 38 12 DIVORCED 062987-153  
GRANTLEY ST 29

050	ANDERSON	MICHELLE B	FEMALE	20	12	SINGLE	062987-154
	OCCUPATION UNKNOWN	CHASE ST		05			
051	HARRIS	ALTERNIECE S	FEMALE	19	12	SINGLE	062987-155
	CLERK	DARLEY AVE		18			
052	DAVIS	THOMAS M	MALE	31	12	MARRIED	062987-156
	TECHNICIAN	KENYON AVE		13	NANCY	EXAMINER	
053	ALBERT	JOHN D	MALE	23	15	SINGLE	062987-159
	STUDENT	ST GEORGES RD		10			
054	TAYLOR	LULA B	FEMALE	67	09	MARRIED	062987-161
	HOMEMAKER	PAYSON ST		17	SAMUEL	RETIRED	
055	GIBSON	JOHN W	MALE	59		MARRIED	062987-163
	WAREHOUSEPERSON	HIGHLAND AVE		24	HELEN	HOMEMAKER	
056	MURAFSKY	MARTIN J	MALE	34	18	SINGLE	062987-168
	MANAGER	STUBBLEFIELD		02			
057	BROWN	CHARLENE A	FEMALE	18	12	SINGLE	062987-169
	UNEMPLOYED	REVERDY ROAD		12			
058	BOND	CLARENCE	MALE	38	12	MARRIED	062987-171
	CARPENTER	BENTALOU ST		16	MAZARENE	SECRETARY	
059	SWECKER	JAMES E	MALE	25	19	MARRIED	062987-173
	CLERGY	PATAPSCO ST		30	JANET	HOMEMAKER	
060	AJAYI	PHILLIP S	MALE	43	14	MARRIED	062987-174
	PHOTOGRAPHER	STRATHMORE AV		15	VANESSA	NURSE	

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



## JURY PANEL SELECTION

\*\*\*\*\* V \*\*\*\*\*

JURY SWORN 4-3-87 1987.  
FOREMAN \_\_\_\_\_DOCKET NUMBER: \_\_\_\_\_ COURTROOM :215 NUMBER REQ : 031  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	DUREY DIRECTOR	PHILLIP S	SHARP ST	MALE	01	39	16	SINGLE	032687-001	<del>1</del>
002	JENNINGS RETIRED	ELIZABETH W	VIOLET AVE	FEMALE	15	54	11	DIVORCED	032687-003	<del>2</del>
003	WHEELER HOMEMAKER	BARBARA A	WOOD HEIGHTS	FEMALE	11 C F	41	12	MARRIED	032687-016	<del>3</del>
004	ROYAL MAILPERSON	STEPHEN D	WOODGATE CT	MALE	07	28	12	SINGLE	032687-030	<del>4</del>
005	DIETRICH SECRETARY	DOROTHY C	CHESTERFIELD	FEMALE	13 RONALD	37	12	MARRIED	032687-036	<del>5</del>
006	MILLER SELF EMPLOYED	PAUL L	PARK HEIGHTS	MALE	15 HILDA	71	12	MARRIED	032687-040	<del>6</del>
007	DAVIS UNEMPLOYED	ANTHONY	PRICE AVE	MALE	15	25	12	SEPARATED	032687-043	<del>7</del>
008	ROBERG SECRETARY	ANNA M	WOODALL ST	FEMALE	30	20	12	SINGLE	032687-045	<del>8</del>
009	NICOLAS ELECTRICIAN	OSCAR M	FLEETWOOD AVE	MALE	14 HELEN	46	16	MARRIED	032687-046	<del>9</del>
010	FRANKLIN CHECKER	JAMES C	CLIFTON AVE	MALE	17	27	14	SINGLE	032687-055	<del>10</del>

011 BOST STEEL WORKER VERA B BOND ST FEMALE 05 02 09 WIDOW(ER) 032687-062 *SC*

012 SILVER HOMEMAKER EDNA M EAST AVE FEMALE 49 12 MARRIED 032687-064 *DC* *10*

013 DORSEY CUSTODIAN JAMES H MOUNT ST MALE 42 12 DIVORCED 032687-065 *SS*

014 WALTERS MANAGER ANN E RESERVOIR ST FEMALE 26 16 SINGLE 032687-066 *SC* *(H)*

015 MCCOY COOK CAROLYN B ELLICOTT DR FEMALE 35 12 MARRIED 032687-069 *DC* *(12)*

16 WILLIAM UNEMPLOYED

016 COOK LABORER BRYAN M POPLAR TERR MALE 26 12 SINGLE 032687-070 *SC*

017 HEMSLEY NURSE'S AIDE JEAN L THE ALAMEDA FEMALE 29 12 SEPARATED 032687-073 *(10)*

018 CULP POLITICIAN DAVID M CHARLES ST MALE 37 15 MARRIED 032687-092 *SC*

01 JANELLE ADMINISTRATOR

019 ETHRIDGE NURSE NANNIE L CEDONIA AVE FEMALE 59 14 SEPARATED 032687-094 *DC* *(2)*

020 ENGVALL TERMINAL OPERATOR MARGARET W NOTTINGHAM RO FEMALE 43 16 MARRIED 032687-100 *(5)*

29 DONALD ADMINISTRATOR

021 HARRIS UNEMPLOYED ODESSA M PARK HEIGHTS FEMALE 24 13 SINGLE 032687-104 *DC*

022 BRUCE MAILPERSON JEROME H WINFORD ROAD MALE 46 14 MARRIED 032687-107 *(6)*

39 ANNA POSTAL CLERK

023 TOWNES HOMEMAKER PATRICIA E ORLEANS ST FEMALE 42 12 DIVORCED 032687-108 *(8)*

02

024 EMERY JR  
MARKETING

WALLEN L MALE  
BIDDLE ST 13

16 DIVORCED 032687-109

DC (2)

025 PRENTICE ANNETTE V FEMALE  
TERMINAL OPERATOR MT HOLLY ST 16

21 12 SINGLE

032687-110

SC (3)

026 DOUCE DENISE L FEMALE  
ASSISTANT ST PAUL ST 02

24 16 SINGLE

032687-115

(4)

027 JENKINS THOMAS E MALE  
MACHINE OPERATOR HAMBURG ST

50 10 MARRIED 032687-117  
30 JULIA HOMEMAKER

DC

028 STROUT DOUGLAS J MALE  
ARCHITECT ST PAUL ST 18

27 17 SINGLE

032687-122

DC

029 SHORT MISTHULA C FEMALE  
NURSE'S AIDE FOURTH ST 25

34 12 DIVORCED

032687-123

DC

030 PARRINE LINETTE J FEMALE  
CASHIER FAYETTE ST 01

21 12 SINGLE

032687-130

(12)

031 MOKRISKI WALTER MALE  
BANKER EUTAW PL

35 18 MARRIED 032687-136  
17 BETTYLOU PHYSICIAN

DC

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



SEQ SEL	J U R O R N A M E	S T R E E T	S E X	Z O N E	A G E	E D	M A R I T A L S T A T U S	S U M M O N S N U M B E R	D A Y S S E R V
001	HIPFLER DAVID M MAINTENANCE PERSON	CARDENAS AVE	MALE	13	34	12	MARRIED CLERK	033187-003	DC
002	LONDEREE-DALBKE LESLIE M DENTIST	LAKE AVE	FEMALE	12	31	20	MARRIED MANAGER	033187-004	SC
003	LEE MICHELLE D YOUTH SUPERVISOR	THE ALAMEDA	FEMALE	18	25	12	SINGLE	033187-005	(3)
004	COLLINS PAMELA M STUDENT	SPAULDING AVE	FEMALE	15	19	12	SINGLE	033187-013	(2)
005	UPDEGRAFF LOIS J TEACHER'S AIDE	FAIRHAVEN AVE	FEMALE	26	51	12	MARRIED DISABLED	033187-016	DC
006	SYE RUBY L INSPECTOR	LINNARD ST	FEMALE	29	28	16	SINGLE	033187-023	SC
007	HUFFER SARAH V RETIRED	KENMORE ROAD	FEMALE	10	68	22	SINGLE	033187-028	DC
008	WILSON CLAUDIA M CASHIER	BENNINGHAUS R	FEMALE	12	28	12	SINGLE	033187-027	(9)
009	SNOWDEN JEANNETTE UNEMPLOYED	STRICKER ST	FEMALE	17	29	12	SINGLE	033187-028	SC
010	SLEZAK JAMES L PROGRAMMER	BERGER AVE	MALE	06	23	16	SINGLE	033187-030	(11)

011 JONES  
CASHIER

ROBIN D FEMALE  
ABINGTON AVE 29

12 SINGLE

033187-037

SC

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_

## JURY PANEL SELECTION

JURY SWORN 4-3-87 1987.  
FOREMAN \_\_\_\_\_DOCKET NUMBER: \_\_\_\_\_ COURTROOM :215 NUMBER REQ : 018  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	BOWLING SELF EMPLOYED	ANTHONY R	DROHOMER PL	MALE	10	44	12	MARRIED SELF EMPLOYED	040187-001	---
002	HELFRICH COUNSELOR	MARY L	SULGRAVE AVE	FEMALE	09	29	18	SINGLE	040187-007	---
003	HENRY ADMINISTRATOR	CHARLES E	WILLOWTON AVE	MALE	39	37	18	SINGLE	040187-008	---
004	FELDER HELPER	KAREN D	MCCULLOH ST	FEMALE	17	21	12	SINGLE	040187-009	---
005	ROSS AIDE	FAULETTE C	MULLIKEN CT	FEMALE	31	30	12	WIDOW(ER)	040187-010	---
006	COX CLERK	CONNIE T	CLOVER ROAD	FEMALE	15	35	12	SEPARATED	040187-014	---
007	YERBY CLERK	PAMULA D	WHEELER AVE	FEMALE	16	32	12	DIVORCED	040187-021	---
008	SHAULIS POLICE OFFICER	PETER C	SHERWOOD AVE	MALE	39	54	13	MARRIED HOUSE WIFE	040187-023	---
009	FIELDS EXAMINER	GERALDINE J	GWYNNS FALLS	FEMALE	16	46	13	SINGLE	040187-025	---
010	GRIFFIN CHEMIST	ELMER H	PARK AVE	MALE	17	30	16	SINGLE	040187-026	---

011	WRIGHT SALESPERSON	MARIE A LAFAYETTE AVE	FEMALE 17	25	16 SINGLE	040187-028	DC
012	CANNADY STUDENT	ANGELA P EDEN ST	FEMALE 13	22	14 SINGLE	040187-032	DC
013	OBROCHTA ACCOUNTANT	HILLARY A ROBINSON ST	FEMALE 24	30	16 SINGLE	040187-033	DC
014	DARDEN FOOD SERVICE HELPER	BRENDA D CAREY ST	FEMALE 17	20	09 SINGLE	040187-034	Det 4
015	KEY UNEMPLOYED	CASSANDRA H SLATER ROAD	FEMALE 25	28	12 SINGLE	040187-042	Det 2
016	SMITH CLERK	CYNTHIA L PRATT ST	FEMALE 24	31	12 SINGLE	040187-043	Det 3
017	GARRETT BANK TELLER	GERMAINE C ROLAND AVE	FEMALE 11	25 BILL	12 MARRIED SERVICE REPRESENT	040187-044	
018	LATKOWSKI TEACHER	DENIS L TANTALLION CT	MALE 12	45	16 SINGLE	040187-047	

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_

## JURY PANEL SELECTION

\*\*\*\*\* V. \*\*\*\*\*

JURY SWORN \_\_\_\_\_ 1987.  
FOREMAN \_\_\_\_\_DOCKET NUMBER: \_\_\_\_\_ COURTROOM : 215 NUMBER REQ : 007  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	WILEY	JAMES F	BOWLAND AVE	MALE		31	15	MARRIED ASSISTANT	040287-113	----
	POLICE OFFICER				06	CYNTHIA				
002	MCALLISTER	NICOLE	NEWTON AVE	FEMALE		19	12	SINGLE	040287-115	----
	BANK TELLER				15					
003	GRANT	DEBORAH E	GERLAND AVE	FEMALE		32	13	MARRIED COSMETOLOGIST	040287-123	----
	MANAGER				06	JOHN				
004	LOOKINGBILL	CHARLOTTE P	MERIDENE DR	FEMALE		54	11	SINGLE	040287-126	----
	SECRETARY				39					
005	GALLATIN	CHARLETTA E	SCHERING ROAD	FEMALE		29	14	MARRIED CLERK	040287-132	----
	ASSISTANT				06	LLOYD				
006	HENRY	SANDRA L	LENNOX ST	FEMALE		38	15	MARRIED PAINTER	040287-135	----
	ACCOUNTANT				17	JOSEPH				
007	BOYD	JACQUELINE T	WINSTON AVE	FEMALE		31	16	SINGLE	040287-136	----
	DEVELOPER				39					

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



## JURY PANEL SELECTION

V. *Reuben Rainey*  
JURY SWORN 6-16-87 1987.  
FOREMAN \_\_\_\_\_

DOCKET NUMBER: \_\_\_\_\_ COURTROOM :215 NUMBER REQ : 060  
JUDGE : DAVIS

SEQ EL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	BLEACHER WAITER/WAITRESS	STEPHEN F	SHERWOOD AVE	MALE		24	14	SINGLE	061687-001	<i>DF</i>
002	LATHAM PHYSICIAN	PATRICIA S	COLORADO AVE	FEMALE		40	24	SINGLE	061687-002	<i>Cause</i>
003	LEE UNEMPLOYED	DEBORAH A	MONTPELIER ST	FEMALE		33	12	SINGLE	061687-004	<i>2</i>
004	ENGLISH ATTORNEY	BARBARA J	CEDARCROFT RD	FEMALE		31	19	MARRIED ENGINEER	061687-006	<i>DF 3</i>
005	CARTER SR BUS DRIVER	HAROLD	COOKS LANE	MALE		39	12	MARRIED	061687-008	<i>4</i>
006	DAVIS OCCUPATION UNKNOWN	ANNIE M	MADISON ST	FEMALE		48	16	MARRIED LABORER	061687-009	<i>5</i>
007	CHAPPLE SR SELF EMPLOYED	FREDERICK D	SIMMONDS AVE	MALE		50	12	MARRIED HOMEMAKER	061687-010	<i>6</i>
008	PICK ANALYST	VIVIAN B	DUDLEY AVE	FEMALE		34	14	SINGLE	061687-011	<i>DF 7</i>
009	JONES STUDENT	SHERRY D	MONUMENT ST	FEMALE		20	13	SINGLE	061687-019	<i>SC 8</i>
010	DOUGLASS ASSISTANT	LINDA D	TUCKER LANE	FEMALE		34	12	DIVORCED	061687-022	<i>9</i>

011 LAMBERT BOBBY D MALE 21 12 SINGLE 061687-023  
OCCUPATION UNKNOWN BEAUMONT AVE 12

012 RUCKER THOMASINA P FEMALE 30 12 MARRIED 061687-024  
COMPANION QUANTICO AVE 15 CLAUDELL

013 MORNINGSTAR TAMI M FEMALE 29 18 SINGLE 061687-025  
PSYCHOLOGIST ESSEX ST 31

014 CARTER TOY MALE 63 05 SEPARATED 061687-027  
MAINTENANCE PERSON BENTALOU ST 23

015 GOVER BETTY J FEMALE 42 12 MARRIED 061687-029  
CASHIER PRATT ST 24 WALTER TRUCK DRIVER

016 CESSNA MARGARET T FEMALE 35 13 DIVORCED 061687-031  
MANAGER COOLIDGE AVE 29

017 HEIL PATRICIA A FEMALE 36 12 MARRIED 061687-032  
RECEPTIONIST PILGRIM ROAD 14 JAMES PRINTER

018 CASSARA WILLIAM E MALE 28 18 MARRIED 061687-033  
STUDENT 42ND ST 11 ANNE STATE EMPLOYEE

019 COX MATTIE L FEMALE 64 09 WIDOW(ER) 061687-036  
OCCUPATION UNKNOWN CHALGROVE AVE 15

020 URLOCK TIMOTHY M MALE 32 16 SINGLE 061687-037  
ENGINEER WESTFIELD AVE 14

021 SIEBERT SARA L FEMALE 67 20 SINGLE 061687-038  
RETIRED UNIVERSITY PK 10

022 CARTER ROBIN C FEMALE 28 MARRIED 061687-042  
HOMEMAKER GWYNNS FALLS 17 KEVIN SUPERVISOR

023 SPENCE TIMOTHY A MALE 30 18 MARRIED 061687-044  
INSTRUCTOR MCELDERRY ST 05 MARY CLERGY



024	CARTER UNEMPLOYED	KENNETH T PATTERSON PAR	MALE 13	23	10	SINGLE	061687-046	SC 8
025	ALLEN CONSTRUCTION WORKER	MAURICE R COLVIN ST	MALE 02	29	11	SINGLE	061687-047	SC 3
026	ROBINSON OCCUPATION UNKNOWN	DOROTHY E SMITHSON ST	FEMALE 17 S	25	12	SINGLE	061687-051	8
027	TURNER STUDENT	DANA L CALLAWAY AVE	FEMALE 15	24	14	MARRIED LENWOOD CLERK	061687-052	Come SC X
028	BROOKS MAINTENANCE PERSON	RORY L GEORGE ST	MALE 01	23	12	SINGLE	061687-060	DC
029	BENZING ELECTRICIAN	DONALD J LYNDALE AVE	FEMALE 13	49	12	MARRIED MARGARET HOUSE WIFE	061687-065	1
030	LANGLEY TEACHER	INEZ H ROBB ST	FEMALE 18	62	12	MARRIED SAMUEL RETIRED	061687-067	DC
031	USHER BUYER	WILLIAM F PADDINGTON RO	MALE 12	64	16	MARRIED ELINOR SALESPERSON	061687-069	DC
032	ESTERSON RETIRED	MILTON M HADDON AVE	MALE 07	68		SEPARATED	061687-071	3
033	KENAN SEAMSTRESS	KATIE N ROYCE AVE	FEMALE 15	47	12	DIVORCED	061687-074	12
034	DYER SALESPERSON	TERESA L FOREST PK AVE	FEMALE 16	20	12	SINGLE	061687-079	DC 1 Ret 1
035	SERRELL DEVELOPMENT ASSISTAN	MARGARET D ROLAND AVE	FEMALE 10	27	16	SINGLE	061687-081	axi Ret 1
036	HUDGINS SHIPPING/RECEIVING C	PEARL WASHINGTON ST	FEMALE 31	61	10	SEPARATED	061687-084	

037	HOLTMAN TECHNICIAN	SANDRA L STRICKLAND ST	FEMALE 23	20	12	SINGLE	061687-089	<i>Act 3</i>
038	FRANK DEAN	EMILY F JUNIPER ROAD	FEMALE 18	34	17	MARRIED	061687-094	<i>DC Act 3</i>
039	STONE HOUSEKEEPER	ALICE C BLAND AVE	FEMALE 15	63	08	MARRIED	061687-099	<i>Act 3</i>
040	KLINE SECURITY GUARD	WILLIAM A RITTENHOUSE A	MALE 30	19	12	SINGLE	061687-102	<i>DC Act 4</i>
041	MARSHALL UNEMPLOYED	ERNESTINE F 20TH ST	FEMALE 18	21	12	SINGLE	061687-104	<i>Act 4 SC</i>
042	SMITH CLERK	ELEANOR M CLEMENT ST	FEMALE 30	32	12	SINGLE	061687-108	<i>DC Act 1</i>
043	GREEN RECEPTIONIST	CARITA L CLIFTON AVE	FEMALE 16	22	12	SINGLE	061687-109	<i>DC Act</i>
044	THOMPSON LABORER	NADMI HOLBROOK ST	FEMALE 02	61	06	DIVORCED	061687-110	<i>Cancel</i>
045	WATTIE TRADE SCHOOL STUDENT	SHANNON M MULBERRY ST	FEMALE 01	19	12	SINGLE	061687-115	<i>Act 4</i>
046	BROWN DRAFTSPERSON	STEPHEN M WOODLEA AVE	MALE 06	21	13	SINGLE	061687-117	
047	SMITH REGISTRAR	ROBERTA EDGEWOOD ST	FEMALE 29	46	12	MARRIED	061687-122	
048	LEACH OCCUPATION UNKNOWN	LILLIAN O WESTMONT AVE	FEMALE 16	51	10	SINGLE	061687-123	
049	COLLINS SECURITY GUARD	KENNETH F LIBERTY ST	MALE 01	59	12	DIVORCED	061687-124	



050	CROSS JR FIRE FIGHTER	HARVEY	MALE	52	12	MARRIED	061687-126	---
		FOREST PARK A		07	NORMA	TEACHER		<i>Case</i>
051	KING MANAGER	WILLIAM H	MALE	62	12	MARRIED	061687-127	---
		RAVENWOOD AVE		13	SUSAN			
052	FATHERLY OCCUPATION UNKNOWN	ANDRES S	FEMALE	20	12	SINGLE	061687-132	---
		BILLIE HOLIDA		05				
053	PAIGE MAINTENANCE PERSON	JUNIUS L	MALE	62	10	SINGLE	061687-135	---
		BURLEITH AVE		15				
054	ARMSTRONG TRUCK DRIVER	GORDON T	MALE	40	12	MARRIED	061687-137	---
		30TH ST		18	MARY	BUS DRIVER		
055	MORAN TEACHER	JANE	FEMALE	40		SINGLE	061687-140	---
		EAST AVE		24				
056	WEINBERG II REALTOR	LEONARD	MALE	29	16	SINGLE	061687-141	---
		STUART AVE		09				
057	TICHY CLERK	JULIE A	FEMALE	23	15	SINGLE	061687-144	---
		ROSALIE AVE		34				<i>Case</i>
058	STALFORT ATTORNEY	JOHN A	MALE	36	19	MARRIED	061687-149	---
		CLUB ROAD		10	ANNE	BANKER		
059	RAMMING HOMEMAKER	AGNES M	FEMALE	49	09	MARRIED	061687-151	---
		CLIFTON PARK		13	GEORGE	TRUCK DRIVER		
060	SPENCER JR PORTER	KERNEY	MALE	26	12	MARRIED	061687-152	---
		CASTLE ST		05	PAULETTE	HOMEMAKER		

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_

## JURY PANEL SELECTION

JURY SWORN \_\_\_\_\_ 1987.  
FOREMAN \_\_\_\_\_DOCKET NUMBER: \_\_\_\_\_ COURTROOM : 215 NUMBER REQ : 030  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	BOWLING SELF EMPLOYED	ANTHONY R	DROHOMER PL	MALE	10	44	12	MARRIED PAMELA SELF EMPLOYED	040187-001	Kept
002	LEE HOMEMAKER	HATTIE	DOLFIELD AVE	FEMALE	15	51	12	MARRIED WILLIAM	040187-002	Kept
003	HELFRICH COUNSELOR	MARY L	SULGRAVE AVE	FEMALE	09	29	18	SINGLE	040187-007	Kept
004	HENRY ADMINISTRATOR	CHARLES E	WILLOWTON AVE	MALE	39	37	18	SINGLE	040187-008	Kept
005	FELDER HELPER	KAREN D	MCCULLOH ST	FEMALE	17	21	12	SINGLE	040187-009	Kept
006	ROSS AIDE	FAULETTE C	MULLIKEN CT	FEMALE	31	30	12	WIDOW(ER)	040187-010	Kept
007	GORDON SECRETARY	LINDA C	POE AVE	FEMALE	15	28	12	SINGLE	040187-012	Kept
008	COX CLERK	CONNIE T	CLOVER ROAD	FEMALE	15	35	12	SEPARATED	040187-014	Kept
009	LOCKS CONSTRUCTION WORKER	THOMAS L	RAVENWOOD AVE	MALE	13	42	09	MARRIED SANDRA CLERK	040187-017	Kept
010	YERBY CLERK	PAMULA D	WHEELER AVE	FEMALE	16	32	12	DIVORCED	040187-021	Kept

011	SHAULIS POLICE OFFICER	PETER C SHERWOOD AVE	MALE 39	54	13	MARRIED HOUSE WIFE	040187-023	<i>Kept</i>
012	CRAWLEY CLERK	ROBERTA HARWOOD AVE	FEMALE 39	50	12	SINGLE	040187-024	<i>Kept</i>
013	FIELDS EXAMINER	GERALDINE J GWYNNS FALLS	FEMALE 16	46	13	SINGLE	040187-025	<i>Kept</i>
014	GRIFFIN CHEMIST	ELMER H PARK AVE	MALE 17	29	16	SINGLE	040187-026	<i>Kept</i>
015	WRIGHT SALESPERSON	MARIE A LAFAYETTE AVE	FEMALE 17	25	16	SINGLE	040187-028	<i>Kept</i>
016	CANNADY STUDENT	ANGELA P EDEN ST	FEMALE 13	22	14	SINGLE	040187-032	<i>Kept</i>
017	OBROCHTA ACCOUNTANT	HILLARY A ROBINSON ST	FEMALE 24	30	16	SINGLE	040187-033	<i>Kept</i>
018	DARDEN UNEMPLOYED	BRENDA D WINCHESTER ST	FEMALE 16	20	09	SINGLE	040187-034	<i>Kept</i>
019	SOLOMON BOOKKEEPER	HELENE B MT WASHINGTON	FEMALE 09	50	12	MARRIED JACK INSURANCE SALESPERSON	040187-041	<i>Kept</i>
020	KEY UNEMPLOYED	CASSANDRA H SLATER ROAD	FEMALE 25	28	12	SINGLE	040187-042	<i>Kept</i>
021	SMITH CLERK	CYNTHIA L PRATT ST	FEMALE 24	31	12	SINGLE	040187-043	<i>Kept</i>
022	GARRETT BANK TELLER	GERMAINE C ROLAND AVE	FEMALE 11	25	12	MARRIED BILL SERVICE REPRESENTATIVE	040187-044	<i>Kept</i>
023	TERJUNG MACHINE OPERATOR	HERMAN F EXETER ST	MALE 02	68	12	MARRIED MARGARET HOMEMAKER	040187-046	<i>Kept</i>



024 LATKOWSKI  
TEACHER

ENIS L MALE  
TANTALLION CT 12

15 16 SINGLE

*Kept*  
040187-047

025 LEWIS  
UNEMPLOYED

SARAH L FEMALE  
LESLIE ST 17

28 11 MARRIED

040187-049

026 GROSS  
BRICKLAYER

EARL H MALE  
BOWLAND AVE 06

47 09 DIVORCED

040187-050

027 THOMPSON  
CLERK

CYNTHIAL FEMALE  
KITMORE RD 39

21 13 MARRIED  
RAYMOND DRIVER

040187-053

028 MORGAN  
OPERATOR

ERIC F MALE  
KATHLAND AVE 07

24 12 SINGLE

040187-054

029 JOHNSON  
EDUCATOR

CLARENCE D MALE  
CHURCHILL ST 30

57 20 MARRIED  
SHARON EDUCATOR

040187-060

030 DAVIS  
STUDENT

CHRISTAL FEMALE  
EVESHAM AVE 12

19 13 SINGLE

040187-061

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



## JURY PANEL SELECTION

4<sup>th</sup> Panel  
7

JURY SWORN FOREMAN 1987.

DOCKET NUMBER: ----- COURTROOM : 215 NUMBER REQ : 020  
JUDGE : DAVIS

[illegible]

011	BOWEN HOMEMAKER	LINDA M COLLINGTON AV 31	FEMALE	30	12	SINGLE	040287-127	<i>Caused</i>
012	EMIG NURSE	CATHERINE T CARTER AVE	FEMALE	38	16	MARRIED	040287-131	<i>Caused</i>
				14		MICHAEL MAINTENANCE PERSON		
013	GALLATIN ASSISTANT	CHARLETTA E SCHERING ROAD	FEMALE	29	14	MARRIED	040287-132	<i>Kept</i>
				06		LLOYD CLERK		
014	GREEN TECHNICIAN	LYNETTE OSWEGO AVE	FEMALE	25	14	SINGLE	040287-133	<i>Caused</i>
				15				
015	HENRY ACCOUNTANT	SANDRA L LENNOX ST	FEMALE	38	15	MARRIED	040287-135	<i>Kept</i>
				17		JOSEPH PAINTER		
016	BOYD DEVELOPER	JACQUELINE T WINSTON AVE	FEMALE	31	16	SINGLE	040287-136	<i>Kept</i>
				39				
017	SMITH MEDICAL TECHNOLOGIST	LINDA WEXFORD ROAD	FEMALE	47	16	MARRIED	040287-137	
				09		KIRBY RESEARCHER		
018	NOVAK MANAGER	JOSEPH D PARKMONT AVE	MALE	23	16	SINGLE	040287-140	
				06				
019	JOHNSON RESEARCHER	BRUCE A ROLAND AVE	MALE	28	18	SINGLE	040287-145	
				11				
020	MACEK COOK	PAUL E BANK ST	MALE	20	11	SINGLE	040287-146	
				31				

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



## JURY PANEL SELECTION

JURY SWORN .....1987.  
FOREMAN .....DOCKET NUMBER: ..... COURTROOM :215 NUMBER REQ : 055  
JUDGE : DAVIS

..... V .....  
*1st Panel 31*

SEQ SEL	J U R O R NAME	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	DUBEY DIRECTOR	PHILLIP S SHARP ST	MALE	01	39	16	SINGLE	<i>Kept</i> 032687-001	-----
002	JENNINGS RETIRED	ELIZABETH W VIOLET AVE	FEMALE	15	54	11	DIVORCED	<i>Kept</i> 032687-003	-----
003	MOORE TRUCK DRIVER	ALGERON J KENNEWICK ROA	MALE	18	39	12	MARRIED JANICE FACTORY WORKER	<i>Cause</i> 032687-005	-----
004	WHEELER HOMEMAKER	BARBARA A WOOD HEIGHTS	FEMALE	11 C F	41	12	MARRIED	<i>Kept</i> 032687-016	-----
005	ELLIS HOMEMAKER	KAREN M GLENDALE AVE	FEMALE	34	29	13	MARRIED RICHARD FOREMAN	<i>Cause</i> 032687-018	-----
006	REIMAN MACHINE OPERATOR	KONSTANTIN GLEN FALLS AV	MALE	06	62	12	WIDOW(ER)	<i>Cause</i> 032687-019	-----
007	ADAMS JR SUPERVISOR	RUDOLPH PERRING PKWY	MALE	39	34	16	MARRIED FAYE HOUSE WIFE	<i>Cause</i> 032687-022	-----
008	ROYAL MAILPERSON	STEPHEN D WOODGATE CT	MALE	07	28	12	SINGLE	<i>Kept</i> 032687-030	-----
009	DIETRICH SECRETARY	DOROTHY C CHESTERFIELD	FEMALE	13	37	12	MARRIED RONALD HEAVY EQUIPMENT O	<i>Kept</i> 032687-036	-----
010	IVORY STUDENT	TONYA L 43RD ST	FEMALE	12	18	12	SINGLE	<i>Cause</i> 032687-039	-----

011 MILLER PAUL L MALE 12 MARRIED 032687-040  
SELF EMPLOYED PARK HEIGHTS 15 HILDA SECRETARY *Kept*

012 PETRIE BRADFORD MALE 31 22 MARRIED 032687-042  
PROFESSOR GORSUCH AVE 18 CHARLYN WRITER *Cause*

013 DAVIS ANTHONY MALE 25 12 SEPARATED 032687-043  
UNEMPLOYED PRICE AVE 15 *Kept*

014 BACON THERESA L FEMALE 20 12 SINGLE 032687-044  
SALESPERSON RAMBLEWOOD RD 39 *Cause*

015 ROBERG ANNA M FEMALE 20 12 SINGLE 032687-045  
SECRETARY WOODALL ST 30 *Kept*

016 NICOLAS OSCAR M MALE 46 16 MARRIED 032687-046  
ELECTRICIAN FLEETWOOD AVE 14 HELEN TEACHER *Kept*

017 WINDOM MARY E FEMALE 55 12 WIDOW(ER) 032687-048  
HOMEMAKER STRICKER ST 17 *Cause*

018 COUNTESS FERN E FEMALE 25 12 MARRIED 032687-052  
INSPECTOR ASHLAND AVE 02 CHARLES ADMINISTRATOR *Cause*

019 LANG JR FRED W MALE 25 12 MARRIED 032687-054  
SALESPERSON HARVEY ST 30 DARLENE *Cause*

020 FRANKLIN JAMES C MALE 27 14 SINGLE 032687-055  
CHECKER CLIFTON AVE 17 *Kept*

021 GARDNER MARY G FEMALE 56 08 MARRIED 032687-057  
HOMEMAKER FLEETWOOD AVE 14 ERNEST RETIRED *Cause*

022 DAVIS MARY E FEMALE 61 14 DIVORCED 032687-058  
LICENSED PRACTICAL N MCCULLOH ST 17 *Cause*

023 BOST VERA B FEMALE 42 09 WIDOW(ER) 032687-062  
STEEL WORKER BOND ST 05 *Kept*



024 SILVER DNA M FEMALE 12 MARRIED 032687-064  
HOMEMAKER EAST AVE 24 WILLIAM WAREHOUSEPERSON *Kept*

025 DORSEY JAMES H MALE 42 12 DIVORCED 032687-065  
CUSTODIAN MOUNT ST 17 *3rd day Kept*

026 WALTERS ANN E FEMALE 26 16 SINGLE 032687-066  
MANAGER RESERVOIR ST 17 *Kept*

027 MCCOY CAROLYN B FEMALE 35 12 MARRIED 032687-069  
COOK ELLICOTT DR 16 WILLIAM UNEMPLOYED *Kept*

028 COOK BRYAN M MALE 26 12 SINGLE 032687-070  
LABORER POPLAR TERR 16 *Kept*

029 HEMSLEY JEAN L FEMALE 29 12 SEPARATED 032687-073  
NURSE'S AIDE THE ALAMEDA 18 *Kept*

030 CAREY MARY FEMALE 54 09 SEPARATED 032687-085  
DISABLED WOODBOURNE AV 39 *Kept*

031 LI PAMELA A FEMALE 25 16 SINGLE 032687-089  
ADMINISTRATOR CALVERT ST 18 *Came*

032 STEIN SANDRA J FEMALE 18 12 SINGLE 032687-090  
UNEMPLOYED GREENHILL AVE 68 *Kept*

033 SEGAL ROBIN K FEMALE 19 12 SINGLE 032687-091  
CLERK HILTON ROAD 15 *Came*

034 CULP DAVID M MALE 37 15 MARRIED 032687-092  
POLITICIAN CHARLES ST 01 JANELLE ADMINISTRATOR *Kept*

035 ETHRIDGE NANNIE L FEMALE 59 14 SEPARATED 032687-094  
NURSE CEDONIA AVE 06 *Kept*

036 HIRSCHHORN ELIZABETH A FEMALE 24 16 SINGLE 032687-095  
ENGINEER UNIVERSITY PK 18 *Kept*

037	TAN ADMINISTRATOR	MARY ELLERSLIE AVE	FEMALE 18	18	SINGLE	032687-096	<i>Case</i>
038	JONES SOCIAL WORKER	MAYSIE D KENWOOD AVE	FEMALE 13	64	16 WIDOW(ER)	032687-099	<i>Case</i>
039	ENGVAL TERMINAL OPERATOR	MARGARET W NOTTINGHAM RD	FEMALE 29	43	16 MARRIED DONALD ADMINISTRATOR	032687-100	<i>Kept</i>
040	HARRIS UNEMPLOYED	ODESSA M PARK HEIGHTS	FEMALE 15	24	13 SINGLE	032687-104	<i>Kept</i>
041	BRUCE MAILPERSON	JEROME H WINFORD ROAD	MALE 39	46	14 MARRIED ANNA POSTAL CLERK	032687-107	<i>Kept</i>
042	TOWNES HOMEMAKER	PATRICIA E ORLEANS ST	FEMALE 02	42	12 DIVORCED	032687-108	<i>Kept</i>
043	EMERY JR MARKETING	VALLER L BIDDLE ST	MALE 13	38	16 DIVORCED	032687-109	<i>Kept</i>
044	PRENTICE TERMINAL OPERATOR	ANNETTE V MT HOLLY ST	FEMALE 16	21	12 SINGLE	032687-110	<i>Kept</i>
045	KIM MECHANIC	CHU T NINTH ST	MALE 25	52	09 WIDOW(ER)	032687-111	<i>Case</i>
046	DOUCE ASSISTANT	DENISE L ST PAUL ST	FEMALE 02	24	16 SINGLE	032687-115	<i>Kept</i>
047	JENKINS MACHINE OPERATOR	THOMAS E HAMBURG ST	MALE 30	50	10 MARRIED JULIA HOMEMAKER	032687-117	<i>Kept</i>
048	THANIEL SECRETARY	LUVINIA G BUCKNELL RD	FEMALE 06	32	12 MARRIED ZACKERY CORRECTIONAL OFFI	032687-118	<i>Case</i>
049	PARKER STUDENT	LAMOAN C WENTWORTH ROA	FEMALE 07	18	12 SINGLE	032687-119	<i>Case</i>

050 STROUT ARCHITECT DOUGLAS J MALE 17 SINGLE 032687-122 *Kept*

051 SHORT NURSE'S AIDE MISTHULA C FEMALE 34 12 DIVORCED 032687-123 *Kept*

052 WILSON TELEPHONE OPERATOR VALERIE C FEMALE 31 13 SINGLE 032687-125 *Cause*

053 BALLARD DAY CARE PROVIDER CLAIRE A FEMALE 49 12 MARRIED 032687-128 *Cause*

054 PARRINE CASHIER LINETTE J FEMALE 21 12 SINGLE 032687-130 *Kept*

055 MOKRISKI BANKER WALTER MALE 35 18 MARRIED 032687-136 *Kept*

EUTAW PL 17 BETTYLOU PHYSICIAN

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_



## JURY PANEL SELECTION

V

JURY SWORN \_\_\_\_\_ 1987.  
FOREMAN \_\_\_\_\_Panel  
2  
11DOCKET NUMBER: \_\_\_\_\_ COURTROOM : 215 NUMBER REQ : 020  
JUDGE : DAVIS

SEQ SEL	JUROR NAME	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	GOODMAN PHYSICIAN	LEE A CROSS COUNTRY	MALE	09	38	16	MARRIED PATHOLOGIST	033187-001	-----
002	GOODMAN PATHOLOGIST	MINA CROSS COUNTRY	FEMALE	09	38	19	MARRIED PHYSICIAN	033187-002	-----
003	HIPPLER MAINTENANCE PERSON	DAVID M CARDENAS AVE	MALE	13	34	12	MARRIED CLERK	033187-003	-----
004	LONDEREE-DALBKE DENTIST	LESLIE M LAKE AVE	FEMALE	12	31	20	MARRIED MANAGER	033187-004	-----
005	LEE YOUTH SUPERVISOR	MICHELLE D THE ALAMEDA	FEMALE	18	25	12	SINGLE	033187-005	-----
006	HUNTER UNEMPLOYED	EVETTE Y PRESTON ST	FEMALE	02	19	12	SINGLE	033187-012	-----
007	COLLINS STUDENT	PAMELA M SPAULDING AVE	FEMALE	15	19	12	SINGLE	033187-013	-----
008	BRANDFORD CLERK	MARTIN W LOMBARD ST	MALE	01	19	12	SINGLE	033187-015	-----
009	UPDEGRAFF TEACHER'S AIDE	LOIS J FAIRHAVEN AVE	FEMALE	26	51	12	MARRIED DISABLED	033187-016	-----
010	ROYSTER RAILROAD WORKER	JAMES D PAYSON ST	MALE	17	54	00	DIVORCED	033187-022	-----



011 SYE  
INSPECTOR

UBY L FEMALE  
LINNARD ST 29

16 SINGLE *Kept* 033187-023

012 RUTH MARY M FEMALE 57 12 MARRIED 033187-025  
HOMEMAKER WOODRING AVE 34 MICHAEL RETIRED *Cause*

013 HUFFER SARAH V FEMALE 68 22 SINGLE 033187-026  
RETIRED KENMORE ROAD 10 *Kept*

014 WILSON CLAUDIA M FEMALE 28 12 SINGLE 033187-027  
CASHIER BENNINGHAUS R 12 *Kept*

015 SNOWDEN JEANNETTE FEMALE 29 12 SINGLE 033187-028  
UNEMPLOYED STRICKER ST 17 *Kept*

016 SLEZAK JAMES L MALE 23 16 SINGLE 033187-030  
PROGRAMMER BERGER AVE 06 *Kept*

017 MATTHEWS LAMONT R MALE 30 15 DIVORCED 033187-036  
XRAY TECHNICIAN COLDSRING LN 15 *Cause*

018 JONES ROBIN D FEMALE 20 12 SINGLE 033187-037  
CASHIER ABINGTON AVE 29 *Kept*

019 HARRISON DONNA D FEMALE 37 13 DIVORCED 033187-038  
HOUSE WIFE RAVENWOOD AVE 13 *Cause*

020 EISENSTEIN MELVIN R MALE 38 18 MARRIED 033187-039  
SOCIAL WORKER HOWARD ST 18 BONITA SALESPERSON *Cause*

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_

3

28

## JURY PANEL SELECTION

\*\*\*\*\* V. *Reuben Rainey* \*\*\*\*\*  
JURY SWORN 6-23-87 1987.  
FOREMAN \_\_\_\_\_

DOCKET NUMBER: \_\_\_\_\_ COURTROOM :215 NUMBER REQ : 060  
JUDGE : DAVIS

SEQ SEL	J U R O R	N A M E	STREET	SEX	ZONE	AGE	ED	MARITAL STATUS	SUMMONS NUMBER	DAYS SERV
001	ROGERS	DENISE D	EL SINORE AVE	FEMALE		25	12	SINGLE	062387-063	1
	BABYSITTER				16					
002	DUNCAN	JOYCE C	BARCLAY ST	FEMALE		30	18	SINGLE	062387-065	2
	DESIGNER				18					
003	DICKEL	JOYCE F	FAYETTE ST	FEMALE		30	12	MARRIED	062387-067	3
	HOMEMAKER				24	MARK		POLICE OFFICER		
004	MOLOFSKY	RUTH A	GREENSPRING A	FEMALE		67	12	WIDOW(ER)	062387-068	4
	RETIRED				09					
005	SMITH	EVETTE A	WILCOX ST	FEMALE		29	13	SINGLE	062387-069	5
	MAIL CLERK				02					
006	MCLEOD	STEPHANIE D	BENTALOU ST	FEMALE		22	12	SINGLE	062387-070	6
	TERMINAL OPERATOR				16					
007	WILLIAMS	THOMASINE	BERWYN AVE	FEMALE		18	12	SINGLE	062387-071	7
	UNEMPLOYED				07					
008	YOUNGS	JEFFREY S	MALLOW HILL R	MALE		37	16	SINGLE	062387-072	8
	SCIENTIST				29					
009	PALMER	COLLEEN B	EVANS CHAPEL	FEMALE		23	12	MARRIED	062387-077	9
	SUPERVISOR				11	BRYAN		LOAN OFFICER		
010	REED	TIMOTHY O	STREEPER ST	MALE		22	12	SINGLE	062387-078	10
	WAREHOUSE MANAGER				05					



011 BUSER NURSE CHELSEA A FEMALE 23 SINGLE 062387-074 *DC*  
PARKWOOD AVE 06

012 BOOTH SALESPERSON GENE A FEMALE 67 12 MARRIED 062387-082 *DC*  
LONGWOOD ST 23 SAMUEL SECURITY GUARD

013 BREDLOW WRITER LISA A FEMALE 28 15 MARRIED 062387-084 *DC*  
BAYONNE AVE 06 WILLIAM MANAGER

014 DESTITO ANALYST VERONICA M FEMALE 27 18 SINGLE 062387-085 *DC*  
ARABIA AV 14

015 MICKEVICZ ENGINEER KAREN A FEMALE 25 17 SINGLE 062387-092 *DC*  
BARNE ST 30 *Cancel*

016 JOHNSON HOMEMAKER PATRICIA FEMALE 58 07 MARRIED 062387-099 *SC*  
ELLSWORTH ST 13 WILLIE JANITOR *7*

017 ENSOR NURSE BARBARA E FEMALE 43 18 SINGLE 062387-104 *DC*  
WOODSON ROAD 12

018 LEE TERMINAL OPERATOR SHARI A FEMALE 20 12 SINGLE 062387-108 *2*  
LOYOLA NOWY 15

019 FENDLER JR SUPERVISOR JAMES M MALE 29 14 MARRIED 062387-110 *DC*  
WESTERWELD AV 18 THERESE COUNSELOR

020 MULL MAILPERSON ALYCE FEMALE 61 12 SINGLE 062387-119 *Last*  
BELVIEU AVE 07

021 BESCHE SELF EMPLOYED MARK J MALE 28 13 SINGLE 062387-123 *Cancel*  
PINEHURST ROA 12

022 JACKSON ASSEMBLER LEMONTE A MALE 29 12 DIVORCED 062387-127 *5*  
GREENCREST RD 06

023 SILVERSTANG OCCUPATION UNKNOWN STEVEN MALE 26 15 SINGLE 062387-128 *3*  
LOCH RAVEN BL 39

024	FRANKLIN CONSTRUCTION WORKER	ROBERT SHEFFIELD ROA	MALE 18	25	13	SEPARATED	062387-137	4
025	PARKER STUDENT	TERRI D HAKESLEY PL	FEMALE 13	20	14	SINGLE	062387-133	SC
026	BELL CLERK	KATIE M WINDSOR AVE	FEMALE 16	42	11	SINGLE	062387-135	8
027	STITT SALESPERSON	THOMAS R FOXBAKE SQ	MALE 09	33	15	SEPARATED	062387-137	DC
028	ROSE UNEMPLOYED	ANTOINETTE M READY AVE	FEMALE 12	23	12	SINGLE	062387-137	SC
029	FORRESTER NURSE'S AIDE	ELLAMAE FULTON AVE	FEMALE 17	37	10	SINGLE	062387-142	9
030	PAYNE HOMEMAKER	CAROLINE E DIVISION ST	FEMALE 17	26	10	SINGLE	062387-143	Last
031	SCOTT CASHIER	KIMBERLY M LAWN PARK RD	FEMALE 29	19	12	SINGLE	062387-148	STH
032	SIMPSON RETIRED	ELMER F CRADDOCK AVE	MALE 12	60	11	WIDOW(ER)	062387-149	11
033	CHRISTIAN RAILROAD WORKER	LARRY A ORLEANS ST	MALE 02	32	12	SINGLE	062387-150	12
034	CARROLL STUDENT	MICHAEL P KENNEDY AVE	MALE 18	19	12	SINGLE	062387-151	SC
035	COLVILLE BANK TELLER	ROSEMARIE F NORTHWAY DR	FEMALE 34	24	12	MARRIED WILLIAM SUPERVISOR	062387-152	DC
036	WINDSOR CAB DRIVER	RICHARD E CHESTER ST	MALE 31	37	12	MARRIED MARTHA HOMEMAKER	062387-153	DC

037	PHELPS NURSE'S AIDE	BRONDA C MT HOLLY ST	FEMALE 29	19	3 SINGLE	062387-154	3
038	JOHNSON HOMEMAKER	CLAUDINE PRESTON ST	FEMALE 02	39	14 SINGLE	062387-155	7
039	HACKETT MANAGER	PATRICK F MEDWICK GARTH	MALE 29	51	12 MARRIED	062387-157	DC Act 1
040	HENDRY SALESPERSON	FRANCIS J UNIVERSITY PK	MALE 10	51	15 DIVORCED	062387-160	PC Act 2
041	BERMAN SECRETARY	ELLEN R ROGERS AVE	FEMALE 09	28	14 SINGLE	062387-162	Act 3
042	SIMPSON TEACHER	ANGELINA M EVERTON ROAD	FEMALE 09	32	16 SINGLE	062387-165	PC Act 4
043	HESS HOMEMAKER	CHRISTINA L RASPE AVE	FEMALE 06	38	10 MARRIED HARRY MANAGER	062387-168	PC Act 1
044	HENDRICKS UNEMPLOYED	DEBORA A EAGER ST	FEMALE 05	19	12 SINGLE	062387-171	SC Act 1
045	HAMLIN CASHIER	GWENDOLYN L ROBERT ST	FEMALE 17	19	12 SINGLE	062387-173	Act 1
046	HENDERSON TRUCK DRIVER	LAWYER W WHITELOCK ST	MALE 17	58	12 MARRIED ABA HOMEMAKER	062387-178	Act 2
047	JONES FIRE FIGHTER	TYRONE BRADFORD ST	MALE 13	22	14 SINGLE	062387-179	Act 4
048	CACANO SECRETARY	CHERYL A RENWICK AVE	FEMALE 06	40	12 MARRIED PHILIP CITY EMPLOYEE	062387-180	
049	CHEARNEY THERAPIST	LORI K HORTON AVE	FEMALE 25	30	18 MARRIED EDWARD INSPECTOR	062387-182	



050	KITCHEN UNEMPLOYED	FREDERICK O ROBERT ST	MALE	41 17	MARRIED CHECKER	062387-184
051	MERRIKEN STUDENT	ROBERT J PARKIN ST	MALE	29 01	19 SINGLE	062387-186
052	SLEDGE SELF EMPLOYED	LARRY W FALLS ROAD	MALE	34 11	08 MARRIED LINDA SELF EMPLOYED	062387-187
053	UDELSMAN SECRETARY	LORI LETITIA AVE	FEMALE	28 30	MARRIED THOMAS	062387-188
054	PARKER MAINTENANCE PERSON	CYNTHIA CARROLLTON AV	FEMALE	26 23	09 SINGLE	062387-189
055	LAND NURSE	TRUDY A MAINE AVE	FEMALE	32 07	16 MARRIED PETER AIDE	062387-190
056	HALL MANAGER	JANET L ROSEDALE ROAD	FEMALE	36 15	14 MARRIED JOSEPH MANAGER	062387-199
057	FLYTHE ASSISTANT	TONJA M ROSALIND AVE	FEMALE	26 15	12 SINGLE	062387-201
058	HARROLL HOMEMAKER	GOLDIE TALBOTT ST	FEMALE	59 25	09 MARRIED JOHN RETIRED	062387-203
059	GAITHER BUYER	PATRICIA H KENWOOD AVE	FEMALE	36 13	12 MARRIED CALVIN TEACHER	062387-204
060	BRILEY MANAGER	MAXINE L 29TH ST	FEMALE	43 18	12 MARRIED ERNEST DELIVERY PERSON	062387-206

END OF JURORS

LENGTH OF TRIAL IN DAYS: \_\_\_\_\_

COMPLETION DATE AND TIME : \_\_\_\_/\_\_\_\_/\_\_\_\_ : \_\_\_\_

OUTCOME OF TRIAL \_\_\_\_\_

Have they or can they test the blood on the briefs  
and compare it to that of either Deborah Venev  
or Glenita Johnson to see if it matches?

Pres. by J. J.

2-8-87 Pt. 14



Do she remember what Kind of shirt Renny was  
wearing.

7-9-87

A. 7

Pres by Jura. # 10 7-13-87 Pt. 7

How did Detective Require eliminate LeRay Boice  
as a suspect? What steps did he follow? With  
what certainty did Detective Require eliminate Boice?

Is he still that certain that Boice did not committ the  
crime.

Was the piece of hair <sup>on the</sup> <sup>briefs</sup> identified?

Pres. by Turner

7-9-87 Pt. 7

74  
How was Rainey dressed that Monday morning?

Did you notice anything unusual about the way  
he was dressed?

7-9-57

pt. 7

Can the primer<sup>of a bullet</sup> be damaged from the  
gun being cocked and uncocked?

7-6-87 Pt. 7

Ques. by Turner. #10

Quesada Terry

7-9-87 Pt. 7

Does the blood on the men's  
shorts match that of either  
or both victims?

18

82  
Does this case involve international  
matters and is it noticeable that African  
democracy is being used?

Ques. by Jimmy

7-9-87 Pt. 7

Juror Question 7/1/87

How long was it from the time the three people, Nellie Chew, Joanne Blundt, and Reuban Rainee, entered Deborah Veeney's house to the time ~~of~~ they left?

3  
8



May we have  
the witnesses  
testimonies

85  
Why ~~He~~<sup>3</sup> didn't take the stand?

I want to see the shorts?

Jury Questions

74-85

STATE OF MARYLAND

\*

IN THE

CIRCUIT COURT

V.

\*

FOR

REUBEN RAINEY

\*

BALTIMORE CITY

\*

INDICTMENT NO.18626016

VERDICT SHEET

(VICTIM: DEBORAH VENEY)

FIRST COUNT

MURDER IN THE  
FIRST DEGREE (PREMEDITATION)

GUILTY ✓

NOT GUILTY \_\_\_\_\_

SECOND COUNT

USE OF A HANDGUN IN THE  
COMMISSION OF A CRIME  
OF VIOLENCE

GUILTY ✓

NOT GUILTY \_\_\_\_\_

THIRD COUNT

UNLAWFULLY WEARING  
CARRYING OR TRANSPORTING  
A HANDGUN ON JUNE 2, 1986

GUILTY ✓

NOT GUILTY \_\_\_\_\_

STATE OF MARYLAND

\*

IN THE

V.

\*

CIRCUIT COURT

REUBEN RAINEY

\*

FOR

\*

BALTIMORE CITY

\*

INDICTMENT NO.18626017

VERDICT SHEET

(VICTIM: GLENITA JOHNSON)

FIRST COUNT

MURDER IN THE  
FIRST DEGREE (PREMEDITATION)

GUILTY ✓

NOT GUILTY       

SECOND COUNT

USE OF A HANDGUN IN THE  
COMMISSION OF A CRIME  
OF VIOLENCE

GUILTY ✓

NOT GUILTY       

THIRD COUNT

UNLAWFULLY WEARING  
CARRYING OR TRANSPORTING  
A HANDGUN ON JUNE 2, 1986

GUILTY ✓

NOT GUILTY

86-87

STATE OF MARYLAND

v.

REUBEN RAINEY

RECEIVED

1987 JUL 17 PM 2:15

CIRCUIT COURT  
BALTIMORE, MARYLAND  
SAUNDRA E. BANKS  
CLERK

IN THE  
CIRCUIT COURT  
FOR

BALTIMORE CITY

Case No.: 18626016,17

NOTICE OF APPEAL

Mr. Clerk:

Please note an appeal by the Defendant, Rueben Rainey,  
by and through his Appointed Public Defender, M. Gordon  
Tayback, in the captioned case.

Please note that the Defendant is indigent and is  
represented by the Office of the Public Defender.

*M. Gordon Tayback*  
M. GORDON TAYBACK  
359 N. Calvert Street  
Baltimore, Maryland 21202  
(301) 528-9700

Assigned Public Defender



REUBEN RAINEY

APPELLANT

V.

STATE OF MARYLAND

APPELLEE

\* IN THE  
\* CIRCUIT COURT OF  
\* BALTIMORE CITY  
\* Ind. NO. 18626016,17


\* \* \* \* \*

**NOTICE OF APPEARANCE FOR APPEAL**

Please enter the appearance of

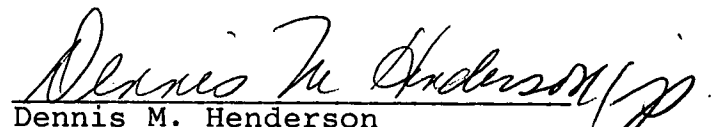
Dennis M. Henderson  
Assigned Public Defender  
312 N. Eutaw Street  
Baltimore, MD 21201  
333-4861

as assigned public defender for appeal only in the above  
captioned case.

  
Dennis M. Henderson  
Chief Attorney

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY this 23rd day of July 1987, that I  
mailed a copy of the foregoing to the Attorney General's  
Office, 7 N. Calvert St., Munsey Bldg., Baltimore, MD 21202.

  
Dennis M. Henderson  
Chief Attorney  
Appellate Division

Transmit: 9/15/87



WILLIAM DONALD SCHAEFER  
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER

APPELLATE DIVISION  
312 N. EUTAW STREET  
BALTIMORE, MARYLAND 21201

ALAN HAMILTON MURRELL  
PUBLIC DEFENDER  
333-4830

ALFRED J. O'FERRALL, III  
DEPUTY PUBLIC DEFENDER  
333-4832

DENNIS M. HENDERSON  
CHIEF ATTORNEY  
APPELLATE DIVISION  
333-4161

July 23, 1987

Diane Walker  
Rita Taggart  
Court Reporters

507 Court House West  
Baltimore, Maryland 21202

Dear Court Reporters:

Please prepare the transcript of the trial and disposition for the case indicated below and bill our office accordingly. This includes all arguments and statements of counsel as well as instruction to the jury and all evidentiary pretrial hearings. We require an original and two exact copies of your bill and ask that you show thereon each and every trial date covered. Please also include your social security number.

Please deliver the original of the transcript to the Clerk's Office, one copy to the Attorney General's Office and one copy to this office.

Should you have any questions or need an extension of time, please contact me.

Sincerely,

*Dennis M. Henderson*

Dennis M. Henderson  
Chief Attorney  
Appellate Division  
333-2996

RE: Reuben Rainey

INDICTMENT NO. (s): 18626016-17

JUDGE: Davis

TRIAL DATE (s): Walker: 3/26/87, 7/2/87; Taggart: 6/29, 6/30/87, 7/1/87,  
APPEAL FILED: 7/17/87 7/6/87, 7/7/87, 7/16/87; Sentenced: 7/16/87

RECORD DUE TO BE TRANSMITTED: 9/15/87

cc: Jack Blake ✓  
cc: Jack Crout



TAGGART - WALKER

Court of Special Appeals  
of Maryland

HOWARD E. FRIEDMAN  
CLERK

Annapolis, Md. 21401-1698

Leslie Gradet  
CHIEF DEPUTY

(301) 269-3646 (DIRECT LINE)  
(301) 261-2920 (WASHINGTON AREA)

TTY FOR DEAF  
(301) 269-2609 (DIRECT LINE)  
(301) 565-0450 (WASHINGTON AREA)

September 14, 1987

Dennis M. Henderson, Esquire  
312 North Eutaw Street  
Baltimore, Maryland 21201

Re: Reuben Rainey v State of Maryland  
IND. NO. 18626016-17  
Circuit Court for Baltimore, City

Dear Mr. Henderson:

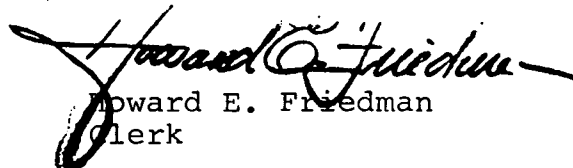
Your Petition for extension of time to transmit the  
record in the above-captioned case has been:

XX GRANTED (see attached Order)

           GRANTED but modified as follows:

           DENIED

Very truly yours,

  
Howard E. Friedman  
Clerk

HEF: kap

cc: Attorney General

Mr. Clerk: Please place attached original petition and Order in  
record at time of transmittal.

90-93



OFFICE OF THE PUBLIC DEFENDER

APPELLATE DIVISION

312 N. EUTAW STREET

BALTIMORE, MARYLAND 21201

ALAN HAMILTON MURRELL

PUBLIC DEFENDER  
333-4830

ALFRED J. O'FERRALL, III

DEPUTY PUBLIC DEFENDER  
333-4832

DENNIS M. HENDERSON

CHIEF ATTORNEY  
APPELLATE DIVISION  
333-4861

WILLIAM DONALD SCHAEFER  
GOVERNOR

September 10, 1987

Howard E. Friedman, Clerk  
Court of Special Appeals  
361 Rowe Boulevard  
Annapolis, Md. 21401

RE: Reuben Rainey  
IND. NO. 18626016-17  
Circuit Court for Baltimore City

Dear Mr. Friedman:

Supplementing our Petition for Extension of Time  
to Transmit the Record enclosed please find correspondence  
received from Rita Taggart, court reporter,  
as to the reasons for the delay and time needed in completing  
the record.

Very truly yours,

*Dennis M. Henderson/sw*

Dennis M. Henderson  
Assistant Public Defender  
333-2996

DMH:sw  
Enclosure

RECEIVED  
COURT OF SPECIAL APPEALS OF MD.  
1987 SEP 10 PM 12:48  
H.E. FRIEDMAN  
CLERK

September 10, 1987

Dennis M. Henderson  
Assistant Public Defender  
312 N. Eutaw Street  
Baltimore, Maryland 21201

RE: Reuben Rainey  
IND: 18626016-17

Dear Sir:

Please be advised that I need a 60 day extension for the above captioned case. I have a heavy work load and will be unable to have it completed by the date that is due.

Thank you.

Sincerely,

*Rita Taggart/sw*

Rita Taggart  
Court Reporter

RECEIVED  
U.S. DISTRICT COURT  
BALTIMORE  
SEP 10 PM 12 13  
J.E. FRIEDMAN  
CLERK

REUBEN RAINEY

Appellant

v.

STATE OF MARYLAND

Appellee

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* IND. NO. 18626016-17  
\* LOWER COURT: Circuit Court  
\* for Baltimore City  
\* CRIMINAL DIVISION

\* \* \* \* \*

PETITION FOR EXTENSION OF TIME TO TRANSMIT RECORD

TO THE HONORABLE JUDGES OF SAID COURT:

Reuben Rainey, Appellant,

by his attorney, Dennis M. Henderson, Assistant Public Defender,  
in accordance with Maryland Rules 1025 b, petitions this  
Honorable Court for an extension of time to transmit the  
record in the above-captioned appeal for the following reasons:

1. That appellant was convicted of 1st degree murder,  
handgun violation, wear/carry of handgun  
and sentenced on July 16, 1987 to balance of life,  
and life and 43 years in the Circuit Court for  
by Judge Davis  
Baltimore City, and is presently incarcerated.

2. That an appeal to this Court from the above  
conviction and sentence was timely noted on July 17, 1987.

3. That Dennis M. Henderson was assigned by the  
Office of the Public Defender to prosecute the appeal for said  
appellant on July 23, 1987.

H.E. MEDINA  
CLERK

1987 SEP 10 PM 12:48

RECEIVED  
COURT OF SPECIAL APPEALS OF MD

90

4. That the court reporter(s), Diane Walker, Rita Taggart,

~~was~~ were notified to prepare the transcript on July 23, 1987.

5. That the time for transmitting the record expires September 15, 1987.

6. Because of a heavy caseload, additional time is required by the court reporter (s) to file the transcripts of testimony, and by the Clerk's Office to prepare and transmit the Record on Appeal to the Appellate Court.

WHEREFORE, pursuant to Maryland Rules 1025 b, and the fact above stated, Petitioner requests an extension of time within which the court reporter is to deliver the transcript of testimony to the Clerk of the Circuit Court for Baltimore City on or before November 16, 1987, and that the Clerk of said Court transmit the record on appeal to this Court within eight days thereafter.

Dennis M. Henderson/sw

Dennis M. Henderson  
Assistant Public Defender  
312 N. Eutaw Street  
Baltimore, Maryland 21201  
333-2996



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 10th day  
of September 198 7 , mailed a copy of  
the foregoing Petition to the Office of the Attorney General,  
7 N. Calvert Street, Munsey Building, Baltimore, Maryland 21202,  
and to the Clerk's Office of the Circuit Court for Baltimore City.

Dennis M. Henderson

Dennis M. Henderson  
Assistant Public Defender

cc: Reuben Rainey  
MRDCC 187836  
550 E. Madison St.  
Baltimore, Md. 21202

92

REUBEN RAINEY

Appellant

v.

STATE OF MARYLAND

Appellee

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* IND. NO. 18626016-17  
\* LOWER COURT: Circuit Court for  
Baltimore City  
\* CRIMINAL DIVISION

\* \* \* \* \*

ORDER

Upon the foregoing Petition, it is by the Court of Special Appeals of Maryland this 14<sup>th</sup> day of September 1987 ,

ORDERED that the court stenographer shall deliver the transcript of testimony in the above case to the Clerk of the Circuit Court for Baltimore City on or before the 16<sup>th</sup> day of November , 1987 ;

And it is further ORDERED that the Clerk of said Court transmit the record on appeal to this court within eight days thereafter.

  
clerk

11-2487  
93



*Taggart*  
Court of Special Appeals  
of Maryland

HOWARD E. FRIEDMAN  
CLERK

Annapolis, Md. 21401-1698

Leslie Gradet  
CHIEF DEPUTY

(301) 269-3646 (DIRECT LINE)  
(301) 261-2920 (WASHINGTON AREA)

TTY FOR DEAF  
(301) 269-2609 (DIRECT LINE)  
(301) 565-0450 (WASHINGTON AREA)

January 5, 1988

Dennis M. Henderson, Esquire  
312 North Eutaw Street  
Baltimore, Maryland 21201

Re: Reuben Rainey v. State of Maryland  
IND. No. 18626016-17  
Circuit Court for Baltimore City

Dear Mr. Henderson:

Your Petition for extension of time to transmit the  
record in the above-captioned case has been:

XX GRANTED (see attached Order)

       GRANTED but modified as follows:

       DENIED

Very truly yours,

*Howard E. Friedman*  
Howard E. Friedman  
Clerk

HEF: dp

cc: Attorney General

k: Please place attached original petition and Order in  
record at time of transmittal.

94-98

REUBEN RAINY

Appellant

v.

STATE OF MARYLAND

Appellee

IN THE

COURT OF SPECIAL APPEALS

OF MARYLAND

IND. NO. 18626016-17

CIRCUIT COURT FOR BALTIMORE CITY

CRIMINAL DIVISION

\* \* \* \* \*

MOTION FOR EXTENSION OF TIME TO TRANSMIT RECORD

Reuben Rainey

by Dennis M. Henderson,

Assistant Public Defender, moves that further extension of time to transmit the Record in the above case be granted for the following reasons:

1. By Order dated November 6, 1987 this Court extended the time to transmit the Record to January 15, 1988 for reasons stated in Petition dated November 6, 1987. The facts stated in said Petition are hereby incorporated in this Motion.

2. Due to a heavy caseload, additional time is needed by the Court Reporter to file the transcript, and by the Clerk's Office, after receipt of said transcript to prepare the Record.

WHEREFORE, pursuant to Maryland Rule 1025 b, it is prayed that an extension of time within which the Court Reporter is to deliver the transcript to the Clerk of the Circuit Court for Baltimore City be granted to February 16, 1988

94

and that the Clerk of said Court be granted an extension to eight days thereafter to transmit the Record on Appeal.

Dennis M. Henderson  
Dennis M. Henderson  
Assistant Public Defender  
Appellate Division  
312 N. Eutaw Street  
Baltimore, Maryland 21202  
Phone: 333-4861

CERTIFICATION

I CERTIFY that I have on January 4, 1988  
mailed a copy of the above Motion to the Office of the  
Attorney General, 7 N. Calvert Street, Munsey Building,  
Baltimore, Maryland 21202.

Dennis M. Henderson  
Dennis M. Henderson  
Assistant Public Defender

cc: Reuben Rainey  
Md. Pen. 187836  
954 Forrest St.  
Baltimore, Md. 21202

STATE OF MARYLAND



WILLIAM DONALD SCHAEFER  
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER  
APPELLATE DIVISION  
201 SAINT PAUL PLACE  
BALTIMORE, MD 21202

OFFICE OF THE PUBLIC DEFENDER  
APPELLATE DIVISION  
312 N. EUTAW STREET  
BALTIMORE, MARYLAND 21201

ALAN HAMILTON MURRELL  
PUBLIC DEFENDER  
333-4830

ALFRED J. O'FERRALL, III  
DEPUTY PUBLIC DEFENDER  
333-4832

DENNIS M. HENDERSON  
CHIEF ATTORNEY  
APPELLATE DIVISION  
333-4861

January 4, 1988

Mr. Howard E. Friedman, Clerk  
Court of Special Appeals  
361 Rowe Boulevard  
Annapolis, Maryland 21401

RE: Reuben Rainey  
IND. NO. 18626016-17  
CIRCUIT COURT FOR BALTIMORE CITY  
CRIMINAL DIVISION

Dear Mr. Friedman:

Supplementing our Motion for Extension of Time  
to Transmit the Record enclosed please find correspondence  
as to the reason for the delay and time needed in completing  
the record from Rita Taggart.

Very truly yours,

*Dennis M. Henderson/sw*

Dennis M. Henderson  
Assistant Public Defender

DMH/sw

Enclsoure:

January 4, 1988

Dennis M. Henderson  
Assistant Public Defender  
312 N. Eutaw Street  
Baltimore, Maryland 21201

RE: Reuben Rainey  
IND: 18626016-17

Dear Sir:

Please be advised that I need a 30 day extension for the above captioned case. I have a heavy work load and will be unable to have it completed by the date that is due.

Thank you.

Sincerely,

*Rita Taggart/SW*  
Rita Taggart  
Court Reporter

97



REUBEN RAINEY  
Appellant  
v.  
STATE OF MARYLAND  
Appellee

\* IN THE  
\* COURT OF SPECIAL APPEALS  
\* OF MARYLAND  
\* IND. NO. 18626016-17  
\* LOWER COURT: CIRCUIT COURT  
FOR BALTIMORE CITY  
\* CRIMINAL DIVISION

\* \* \* \* \*

ORDER

Upon the foregoing Motion, it is by the  
Court of Special Appeals of Maryland, this *4th* day  
of January, 1988,

ORDERED that the Court Stenographer shall deliver  
the transcript of testimony in the above case to the Clerk  
of the Circuit Court for Baltimore City on or before the  
16th day of February, 1988;

And it is further ORDERED that the Clerk of said  
Court transmit the record on appeal to this Court within  
eight days thereafter.

*Howard E. [Signature]*  
Clerk

C E R T I F I C A T I O N

STATE OF MARYLAND, CIRCUIT COURT FOR BALTIMORE CITY, TO WIT:

I HEREBY CERTIFY, the foregoing is a true and correct copy of the case file folder entries (docket entries) in the case mentioned hereon;

-----  
STATE OF MARYLAND

VS

NAME: RUBEN RAINEY

No. 18626016, 17

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY the foregoing is a true copy of the Record of Proceedings of the Circuit Court for Baltimore City,

In Testimony Whereof; I  
hereunto set my hand and  
affix the Seal of the  
Circuit Court for  
Baltimore City, this,

9th day of February

19 88

*Sandra E. Banks*  
Clerk - Circuit Court  
for Baltimore City

-----  
RECORD ON APPEAL

Costs for Preparation of Record (Privately Retained).....\$

Costs for Transcript of Proceedings (Stenographer's).....\$ 5,200.00

TOTAL \$ 5,200.00

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

2 STATE OF MARYLAND

3 INDICTMENT NO. 18626016  
4 18626017

5 VERSUS

6 REUBEN RAINEY

7 MARCH 26, 1987

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE

11 APPEARANCES

12 ON BEHALF OF THE STATE:

13 SAM BRAVE, ESQUIRE  
14 ASSISTANT STATE'S ATTORNEY

15 BRIAN MURPHY, ESQUIRE  
16 ASSISTANT STATE'S ATTORNEY

17 ON BEHALF OF THE DEFENDANT:

18 GORDON TAYBACK, ESQUIRE

19 REPORTED BY:  
20 Diane R. Walker  
21 Official Court Reporter  
22 507 Courthouse West  
23 Baltimore, Maryland 21202

1 P R O C E E D I N G S

2 MR. BRAVE: For the record, Sam Brave  
3 Assistant State's Attorney, on behalf of the State  
4 with Mr. Brian Murphy and I would call for trial  
5 at this time indictments 18626016 and 17, State  
6 versus Reuben J. Rainey.

7 MR. TAYBACK: Good morning, Your Honor,  
8 Gordon Tayback, on behalf of Reuben Rainey who is  
9 in court beside me and, Your Honor, with respect  
10 to this matter, we have filed various pretrial  
11 motions of which I believe two would require  
12 further activity.

13 There were two or more statements given  
14 by my client, according to the information that I  
15 have received from the police, on or about June  
16 25, 1986 and July 19, 1986 when he was in custody  
17 of the Baltimore City Jail. There may well be a  
18 third time involved, although I don't have  
19 information concerning that, and, Your Honor, with  
20 respect to those, I would indicate as a proffer  
21 that there has never been any material presented  
22 by the State to indicate that Miranda rights were  
23 explained and waived by my client.

24 Your Honor, a variety of other motions  
25 were filed concerning discovery, discovery

1 procedures, particulars concerning the case, open  
2 file discovery, requests of the State, and  
3 production of officers' notes, production of  
4 photographic evidence of the scene, and also  
5 allowing for complete discovery. Basically, the  
6 entire package in that regard.

7 I would indicate to the court that I  
8 have met with Mr. Brave a number of times prior to  
9 trial. He has copied for me every bit of material  
10 in his file, and I have received all of that  
11 discovery that I have requested except for one.

12 I did file on behalf of Mr. Rainey a  
13 motion to bar the death penalty notice and  
14 indicated as an additional aspect of discovery a  
15 request that the State be compelled to produce all  
16 materials concerning the decision to make notice  
17 of the death penalty in this case, when other  
18 decisions were made in other cases in which death  
19 was determined as the appropriate course for the  
20 State to take, and then also for the State to  
21 produce all records concerning other cases which  
22 qualify for the death penalty and in which the  
23 State did not elect to proceed for death penalty  
24 notice or death penalty trial. I have not  
25 received any of that information and the State and

1 I have discussed that and the State objects to my  
2 request.

3 THE COURT: Very well.

4 MR. BRAVE: Yes, Your Honor.

5 THE COURT: You may be seated, Mr.  
6 Rainey.

7 MR. BRAVE: As to the last point, Your  
8 Honor, the State feels -- and I hope the court  
9 agrees -- that this is a form of the  
10 proportionality argument that is traditionally  
11 raised on each and every appeal to the Court of  
12 Appeals and the Court of Appeals addresses that  
13 issue at the appellant level.

14 To my knowledge, I am unaware of any  
15 death penalty case in which that has been  
16 litigated at the trial level, the proportionality  
17 issue within the jurisdiction. The Court of  
18 Appeals likes to take a look around the entire  
19 State of Maryland and see what is going on and  
20 address that issue at the appellant level assuming  
21 the court agrees with me on that point.

22 As to the statements made to the police  
23 while in custody, there are three of them. The  
24 two that Mr. Tayback is aware of and a third  
25 statement made on a date in July when Detectives

1 McAllister and Dunnigan spoke to the defendant.  
2 The State's witness that I assume Mr. Tayback  
3 would like to question as to the statements of  
4 June the 25th and September 19th is Detective Rick  
5 Requer who -- I hadn't anticipated this hearing --  
6 and Detective Requer is in the Baltimore area and  
7 he is on his way in to testify. We may have to  
8 wait fifteen, twenty minutes for his arrival.  
9 Hopefully, he is nearby. Detective Dunnigan is  
10 available to discuss a third interview. All of  
11 these interviews I should proffer to the court  
12 were made --

13 THE COURT: Excuse me, just one minute,  
14 Mr. Brave.

15 MR. BRAVE: The three interviews we are  
16 talking about are all interviews which came after  
17 the defendant contacted the Homicide Unit and  
18 indicated that he wanted to talk to them. So  
19 these are all in response to the defendant's  
20 request to be interviewed.

21 THE COURT: Repeat what you just said.

22 MR. BRAVE: Each of these three  
23 interviews that I am speaking of, the two that are  
24 documented in the office reports of Detective  
25 Requer and the one with Detective Dunnigan, all



1 three of these interviews occurred immediately  
2 after the defendant contacted the Homicide Unit  
3 and asked to be brought down to the unit, to the  
4 Homicide Unit because he had information to convey  
5 to the detectives and the detectives are available  
6 to discuss what it is that the defendant wanted to  
7 tell us on each of these three occasions and what  
8 weight, if any, the detectives gave these  
9 statements at the time they were given.

10 THE COURT: What is the theory of your,  
11 or what is the State's position? Are you  
12 suggesting that these statements are a consequence  
13 of an initiative instigated by the defendant and,  
14 therefore, not involuntary?

15 MR. BRAVE: Right, they are totally  
16 voluntary. We are proffering that. I haven't  
17 even bothered to ask, since they were initiated by  
18 the defendant, whether there was Miranda  
19 warnings. I don't know whether they were given or  
20 were not given. They certainly were voluntary.

21 MR. TAYBACK: Well, obviously, Your  
22 Honor, that is a matter of proof and that is the  
23 reason for a pretrial hearing. If the State can  
24 so convince the court of that, so be it. If it  
25 can't, we will proceed accordingly.

1 MR. BRAVE: There were two photo I.D.s  
2 conducted I am aware of and I have talked to Mr.  
3 Tayback about that and since the people who made  
4 the photo I.D.s appear to be know the defendant,  
5 well, I don't think Mr. Tayback is pressing that.

6 MR. TAYBACK: Our theory of defense,  
7 Your Honor, does not contest the photo I.D.s that  
8 I have heard of concerning Joanne Blunt and Mr.  
9 Robinson.

10 THE COURT: All right.

11 MR. BRAVE: Perhaps, Your Honor, while  
12 we are waiting for Detective Requer's arrival, may  
13 be we could, unless Your Honor --

14 THE COURT: Well, what I would like to  
15 do. I would like to deal first with the request  
16 for discovery relative to the supplementary motion  
17 to dismiss the notice of intention to seek the  
18 death penalty.

19 MR. BRAVE: Okay. Well, the State has  
20 stated its position on that. Does the court wish  
21 me to argue further on that?

22 THE COURT: Anything else that you wish  
23 to say about it?

24 MR. BRAVE: No.

25 THE COURT: Anything you want to add?

1 MR. TAYBACK: No, Your Honor. I have  
2 made my point clear. It is up to the court to  
3 grant the hearing at this time. I have requested  
4 that the State produce those documents.

5 THE COURT: All right, then I am  
6 prepared to make a ruling denying the motion to  
7 dismiss the notice of intention to seek the death  
8 penalty and denying the request for discovery of  
9 information relative to the motion to -- Well, to  
10 deny the request for discovery, for discovery  
11 relative to the supplementary motion to dismiss  
12 the notice of intention to seek the death penalty.

13 MR. TAYBACK: Your Honor, with respect  
14 to that matter, the Office of the Public Defender  
15 does have a motion along with a brief, that with  
16 the court's permission, I will submit at the  
17 afternoon break. I would not argue on it. It is  
18 simply a matter that I wish to preserve for the  
19 record in the file. Since the court has not  
20 allowed me to proceed further in this regard, I  
21 submit on the written arguments contained therein.

22 THE COURT: Very well.

23 MR. TAYBACK: That is preserved for  
24 appellant review.

25 THE COURT: Very well. Is there any

1 other discovery matters unresolved?

2 MR. BRAVE: There is nothing unresolved  
3 as far as motions are concerned. I understand  
4 that Detective Requer may be a few more minutes.  
5 Perhaps, we could utilize that time Your Honor by  
6 discussing informally in chambers how we are going  
7 to proceed on the voir dire.

8 THE COURT: All right, very well, then  
9 we will take a brief recess.

10 (Whereupon the Court recessed, following  
11 which the proceedings in this matter resumed at  
12 the bench with counsel and the defendant present:)

13 THE COURT: All right, Mr. Brave, you  
14 had asked that we approach the bench. As I  
15 understand it, the only reason for asking the  
16 court to allow counsel to approach the bench was  
17 to make a determination as to whether or not  
18 Detective Requer needed to go back to get his  
19 file.

20 As I understand it, Mr. Murphy has  
21 checked with Detective Requer and he has found out  
22 that Miranda warnings were not given so that the  
23 form that would be contained in the file is not  
24 there. So there is no point in having him to go  
25 back to get the file for that limited purpose.

1 MR. BRAVE: Exactly.

2 THE COURT: For the record, the  
3 defendant is here present at the bench and has  
4 been throughout this discussion. There has been  
5 no other matter raised prior to his coming being  
6 included in the bench conference; is that correct  
7 Mr. Tayback?

8 MR. TAYBACK: That is correct.

9 THE COURT: Okay. Thank you,  
10 gentlemen.

11 (Whereupon, counsel returned to the  
12 trial table and proceedings resumed in open  
13 court.)

14 MR. BRAVE: Your Honor, at this time the  
15 State would call to the Detective Oscar L. Requer.

16 MR. TAYBACK: Your Honor, I would make a  
17 motion to sequester.

18 THE COURT: Very well. All witnesses or  
19 persons who will be testifying on the motion  
20 please step out into the hallway and do not  
21 discuss your testimony either before or after you  
22 have testified. Is the State satisfied that the  
23 witnesses have been sequestered?

24 MR. BRAVE: The State is satisfied.

25 THE COURT: Is the defense satisfied?

1 MR. TAYBACK: Yes, Your Honor.

2 THE COURT: All right.

3 DETECTIVE OSCAR REQUER,

4 a witness produced on call of the State, having  
5 first been duly sworn, according to law, was  
6 examined and testified as follows:

7 THE CLERK: State your full name and  
8 present assignment:

9 THE WITNESS: Detective Oscar L. Requer,  
10 assigned to C.I.D. Homicide Unit.

11 DIRECT EXAMINATION

12 BY MR. BRAVE

13 Q Detective Requer, you are the principle  
14 investigating officer in the case involving the  
15 homicides of Deborah Veney and Glenita Johnson  
16 which occurred in the 4700 of Navarro Road here in  
17 the City of Baltimore on June the 2nd, 1986?

18 A Yes, sir, I am.

19 Q Now, those homicides occurred in the  
20 early morning hours of June the 2nd, 1986; is that  
21 correct?

22 A That is correct, sir.

23 Q Now, from June the 2nd, 1986 until June  
24 the 19th, 1986, a period of seventeen days, during  
25 the course of your investigation for various

1 reasons, which I am not going to get into right  
2 now, you determined that you would like to find  
3 out what is going on in a house located in the 800  
4 block of West Fayette Street?

5 A That is correct, sir.

6 Q And that opportunity was presented to  
7 you on June the 19th, 1986?

8 A That is correct, yes, sir.

9 Q And a number of people were arrested in  
10 that house on June the 19th, 1986?

11 A Again, that is correct.

12 Q And in the hours immediately following  
13 those arrests, you brought each of those arrestees  
14 down to homicide and interviewed them, did you  
15 not, or some of them?

16 A I spoke to all of them personally  
17 briefly myself, yes, sir, at one time.

18 Q Now, the defendant in this case Reuben  
19 Rainey was not one of the individuals arrested in  
20 that house on June the 19th?

21 A That is correct. He was not arrested in  
22 the premises. I believe it was 862 West Fayette  
23 Street.

24 Q But earlier that same day June the 19th,  
25 he was in the custody of Baltimore City Police on

1 some other matter?

2 A That is correct, sir.

3 Q In addition to the individuals who were  
4 arrested on June the 19th and who were brought  
5 down to homicide to be interviewed concerning the  
6 June the 2nd homicide, was Reuben Rainey also  
7 brought into homicide to be interviewed on that  
8 same date?

9 A Yes, sir, he was brought sometime later  
10 after the rest of the people had been there.

11 Q Okay. Would that still have been June  
12 the 19th, or might it have spilled over into June  
13 20th?

14 A No, it was June 19th.

15 Q Still June the 19th. There is no  
16 question that at the time of that interview on  
17 June the 19th of Reuben Rainey, Reuben Rainey was  
18 in custody?

19 A That is correct yes, sir.

20 Q As a matter of fact, you had to go to  
21 Baltimore City Jail and bring him out or someone  
22 did?

23 A No, sir, he was brought from the lock  
24 up, I believe, in the Western District, he was  
25 brought to homicide.



1           Q     He was still in the lock up from the  
2 arrest earlier that day?

3           A     That is correct, yes, sir.

4           Q     So there is no question that he was in  
5 custody?

6           A     No question he was in custody at all,  
7 no, sir.

8           Q     At the time of your initial interview  
9 with Reuben Rainey he was in custody. Was he a  
10 suspect in this case?

11          A     No, sir, he was not.

12          Q     You did or did not administer him the so  
13 called Miranda warnings?

14          A     I never administered them to him.

15          Q     Now, on the issue of voluntariness of  
16 the conversation that took place with Reuben  
17 Rainey on June the 19th, did you hold out any  
18 promises to him during the course -- How did it go  
19 when you first met Rainey that day?

20          A     When I first met Rainey.

21          Q     Describe, you know, the conversation?

22          A     Mr. Rainey as well as the other people  
23 who were arrested -- Like I said, I did have a  
24 prior interest in the premises and I was trying to  
25 establish certain things. I had no idea at that

1 time who or whom I was looking for. I gave Mr.  
2 Rainey as well as all of the rest of the people in  
3 the premises a card and asked them should they  
4 have any information pertaining to the deaths of  
5 the two women would they call me. That was  
6 generally the extent of our conversation.

7 Q Okay. So that I understand it, did you  
8 --

9 THE COURT: You say a card. You mean a  
10 business card?

11 THE WITNESS: A business card, that is  
12 correct, sir.

13 Q Did you specifically ask him whether he  
14 had any knowledge of the June the 2nd murders on  
15 Navarro Road?

16 A I did.

17 Q And did he indicate that he had any  
18 knowledge whatsoever of that incident?

19 A He never heard of them.

20 Q Okay. And once you received that  
21 answer, you just gave him your business card?

22 A That is correct.

23 Q And that was the end of the interview?

24 A That is correct.

25 Q Okay. Now, on June the 25th, 1986, did

1       you have another occasion to speak with the  
2       defendant Reuben Rainey?

3             A       Yes, sir, I did.

4             Q       Under what circumstances did that  
5       interview take place?

6             A       Well, between the time, the 19th, the  
7       first interview, up until the 25th when I finally  
8       obtained a writ for Mr. Rainey, he had called me  
9       on numerous occasions at the office requesting to  
10      speak with me. Finally, on the 25th I obtained a  
11      writ and went over and brought him back to the  
12      office.

13            Q       So between the 19th and the 25th, he  
14      called you on several occasions?

15            A       Numerous occasions, yes, sir.

16            Q       Did he indicate at any time during those  
17      telephone conversations what it is he wanted to  
18      talk to you about?

19            A       Only that he had some information that  
20      might be helpful to me regarding the deaths of the  
21      two girls.

22            Q       Okay. And you issued a writ on June the  
23      25th and before you started talking to him, did  
24      you advise him of any of his Miranda rights?

25            A       No, sir, I did not. At that time I felt

1       that Mr. Rainey was a possible witness. I didn't  
2       advise him of any Miranda rights at all.

3               Q       Okay. Since he had requested the  
4       interview, what did you ask him?

5               A       I asked him what can he tell me, what  
6       did he know about it. I asked him was he there.  
7       He said no. I said did you know, you know, the  
8       people well, what can you tell me. I mean, you  
9       have some information that can help me, what do  
10      you know.

11              Q       What did he tell you?

12              A       He indicated that a person by the name  
13      of Coco was involved in some kind of way. Let me  
14      refer myself to the notes --

15              Q       Did he indicate that Coco had actually  
16      killed the two victims?

17              A       No, sir, he did not. Although he didn't  
18      indicate that Coco had actually killed them, he  
19      did reply that she had some knowledge. She was  
20      there.

21              Q       Did the subject of a .357 Magnum come  
22      up?

23              A       Yes, sir.

24              Q       In what context?

25              A       I asked him had he ever seen Coco with

1 any type of weapons. He stated, yes, that he seen  
2 her once. He remembered the date. He said the  
3 15th of June that he had seen her at Denise's  
4 house and she had a .357 Magnum.

5 Q Okay. Now, had you prior to his  
6 mentioning of a .357 Magnum given him, or any of  
7 the other witnesses, any indication that it was a  
8 .357 Magnum involved in this case?

9 A No, I never mentioned the type of  
10 weapon.

11 Q Now, after June the 25th when is the  
12 next time you had occasion to talk to Mr. Rainey?

13 A It was on the 19th of July.

14 Q Okay. Under what circumstances did you  
15 get together with Mr. Rainey on July the 19th?

16 A I received a phone call from a female  
17 who identified herself as Rainey's girlfriend and  
18 stated that Rainey wanted to talk to me. That  
19 Reuben wanted to talk with me. Again, I obtained  
20 a writ. Went to city jail and brought Mr. Rainey  
21 out on a writ to the Homicide Unit for the  
22 purposes of again interviewing him.

23 Q So this is his second request to be  
24 brought out on a writ to talk to you?

25 A Yes, sir.

1 Q The first one being June the 25th?

2 A Yes, sir.

3 Q Did you Mirandize him on July the 19th?

4 A No, sir, I did not.

5 THE COURT: July 19th.

6 MR. BRAVE: Yes, we are skipping from  
7 June the 25th to July the 19th.

8 THE COURT: Very well.

9 Q Notwithstanding the fact that he wasn't  
10 Mirandized on June the 25th and, again, not  
11 Mirandized on July the 19th, did the conversation  
12 you had with him that followed, was that voluntary  
13 on his part?

14 A Yes sir.

15 Q I mean, it was he that had requested the  
16 interview?

17 A That is correct, sir.

18 Q Was your role simply limited to asking  
19 him why he wanted to talk to you?

20 A That is correct, yes, sir.

21 Q And on July the 19th what, if anything,  
22 did he say in answer to your question why do you  
23 want to talk to me?

24 A Well, again, Mr. Rainey -- All right,  
25 one of his concerns was the amount of bail that

1 was on him. He wanted to know if there was anyway  
2 that could I help him to reduce the bail at this  
3 time on the 19th when he came back again. He  
4 stated that while he was in incarcerated that he  
5 had learned that Coco had killed both victims and  
6 she had done it because Coco allegedly had learned  
7 of Lee's involvement with Deborah Veney and that  
8 Coco had killed both of the victims. He also  
9 wanted us to know that he knew the location of the  
10 murder weapon. That he would recover it for me if  
11 I could see that he would be released on his own  
12 recognizance.

13 Q In other words, this Coco was,  
14 apparently, one of Lee's girlfriends?

15 A Yes, sir, she was one of Lee's  
16 girlfriends, correct.

17 Q When Coco learned that Lee had some  
18 romantic involvement with Deborah Veney, that  
19 supplied -- that according to Rainey was the  
20 motive for Coco having killed Deborah Veney?

21 A According to Mr. Rainey, yes, sir.

22 Q And that he could locate the murder  
23 weapon as long as you would let him out of jail to  
24 do so?

25 A If we could get him out of jail, yes,

1       sir, he would locate the weapon. As a matter of  
2       fact, I asked him where the weapon was. He  
3       wouldn't say. I said how did he find that out  
4       since he had been incarcerated all of this time.  
5       He said he had sources.

6           Q       Okay. Now, apparently, the Homicide  
7       Unit had still another occasion to have contact  
8       with Mr. Rainey during the month of July. Would  
9       that have been before or after this July 19th  
10      interview?

11          A       It would have been after.

12          Q       Okay. You were not present during that  
13      contact?

14          A       No, sir, I was not.

15          Q       Do you know approximately how long after  
16      July the 19th this, what I guess is the fourth  
17      contact took place, the first being on June the  
18      19th, the second being on June the 25th, the third  
19      being on July 19th. Do you know when the fourth  
20      might have been? How long after July 19th?

21          A       In fairness, I really don't know.

22          Q       Okay. In any event, you weren't there  
23      for that?

24          A       No, sir, I was not there.

25           MR. BRAVE: Okay. I have no further



1 questions on direct, Your Honor.

2 THE COURT: Cross examine.

3 CROSS EXAMINATION

4 BY MR. TAYBACK

5 Q Detective Requer, on June 19th, 1986 you  
6 were not the arresting officer involved in that  
7 drug raid; is that correct?

8 A That is correct, sir.

9 Q You were there simply to make  
10 observations because you had an interest in that  
11 property as it related to the murder upon which  
12 you were the chief investigator in the murder of  
13 June 2nd, 1986; is that correct?

14 A That is correct, sir.

15 Q Now, Mr. Rainey was not even arrested at  
16 that particular location, at 862 West Fayette  
17 Street. He was arrested on the streets sometime  
18 afterwards; is that not correct?

19 A That is not correct. He was arrested --

20 Q Arrested sometime before?

21 A He was arrested before in front -- on  
22 Fayette Street, 800 block of Fayette Street.

23 Q In the 800 block of West Fayette Street?

24 A Yes, sir, that is correct.

25 Q And he was taken into the house; is that

1 correct?

2 A No, sir, he was not.

3 Q Where was it that you spoke with him?

4 A Spoke with him at the Homicide Unit

5 office.

6 Q On June 19th, isn't that correct?

7 A That is correct, sir.

8 Q Where was it that you gave him this

9 business card?

10 A At the Homicide Unit office.

11 Q Was he in police custody at that time?

12 A Yes, sir, he was.

13 Q Was he free to leave at that time?

14 A No, sir, he was not.

15 Q When you spoke to him, did you ask him

16 any questions?

17 A Yes, sir, I did.

18 Q And prior to you asking him any

19 questions, your only involvement again is as to

20 the murder; isn't that correct?

21 A That is correct, sir.

22 Q Prior to you asking him any of those

23 questions, did you advise him of his right to

24 remain silent?

25 A No, sir, I did not.

1           Q     Did you advise him of his right to have  
2 an attorney present?

3           A     No, sir.

4           Q     Did you determine whether he had an  
5 attorney?

6           A     No, sir, I did not.

7           Q     Did you advise him that any statements  
8 that he made could or would be used against him?

9           A     No, sir.

10          Q     Now, it was thereafter that you received  
11 whatever information you received concerning his  
12 name, address, with whom he lived. Did you take  
13 down that sort of basic information?

14          A     I didn't take it down personally. I  
15 directed someone to do it.

16          Q     Well, that information was received  
17 pursuant to your questioning of Mr. Rainey; is  
18 that correct?

19          A     Not necessarily. It was done, I don't  
20 know if it was done before I spoke with him or  
21 after.

22          Q     Do you have any recollection at this  
23 time or any notes to which you can refer to which  
24 indicate whether that information was received  
25 pursuant to your questioning of Mr. Rainey, or

1       whether it was received at some other time not  
2       pursuant to your questioning of Mr. Rainey?

3           A       Not to my recollection. As far as the  
4       sequence of events, however, on the sheet itself,  
5       there should be a time and date noted when this  
6       information was taken from him.

7           Q       When was it that you were speaking with  
8       him?

9           A       It was June the 19th.

10          Q       I am saying what time?

11          A       I don't know, counselor.

12          Q       So even if there were a date and a time  
13       frame listed on the sheet, you don't know when you  
14       were speaking with him? So you don't know whether  
15       that was taken before or after you spoke with him,  
16       or during the course of your speaking with him; is  
17       that correct?

18          A       That is not correct. I know the  
19       information sheet was taken from him. I would be  
20       interviewing him at that time. Like I said, I  
21       don't know if I talked to him before or after the  
22       sheet was taken. I really don't know.

23          Q       In any case, with respect to that  
24       particular situation, you received no information  
25       from Mr. Rainey concerning the murders at Navarro

1 Road; is that correct?

2 A That is correct, sir.

3 Q On June 25th, 1986, which would be  
4 approximately six days later, you had Mr. Rainey  
5 removed from the Baltimore City Jail on a writ and  
6 prior to that time you had indicated in your  
7 testimony that you had spoken with him on numerous  
8 occasions by telephone. When did that telephone  
9 contact begin?

10 A It began sometime after the 19th of June  
11 up until the 25th when I brought him in. On the  
12 25th, when I brought him in --

13 Q Do you have any notes to indicate --

14 A No, sir, I do not.

15 Q When you brought him out of the  
16 Baltimore City Jail on June 25th, were you the  
17 one, the officer, who went over to Baltimore City  
18 Jail to remove him from that location?

19 A Each time, yes, I was.

20 Q And was he removed in handcuffs?

21 A He certainly was.

22 Q Did you have him in your custody?

23 A Yes, sir.

24 Q Is that what is meant by a writ, meaning  
25 that he is removed from the custody of the people

1 at the Baltimore City Jail into the custody of the  
2 Baltimore City Police?

3 A My interpretation of writ I thought it  
4 is a court order giving temporary custody to me  
5 and after that temporary custody he is to be  
6 returned back to his place of incarceration.

7 Q So on June 25th prior to you speaking  
8 with him and even during the time that you were  
9 speaking with him, you have had him, pursuant to a  
10 court order, in your temporary custody?

11 A Yes, sir.

12 Q Now, at that point you have stated that  
13 you felt that he was not a suspect in these  
14 murders; is that correct?

15 A (No response.)

16 Q On June 25th, or by then, had he become  
17 one of a group that could be suspected of the  
18 murders?

19 A At that time I didn't suspect him as  
20 being the person responsible for it. I felt that  
21 he had more knowledge of it than he was, you know,  
22 relating to me.

23 THE COURT: When you say he had more  
24 knowledge, did you believe he had any involvement  
25 at all?

1 THE WITNESS: No, sir, at that time I  
2 felt that he knew more about it. As far as  
3 involvement at that time, I didn't think he might  
4 be involved in it.

5 THE COURT: You did not believe he was  
6 involved?

7 THE WITNESS: No, sir.

8 THE COURT: You were not focusing on  
9 him?

10 THE WITNESS: I don't believe at that  
11 time. I believe after the 19th -- Bear with me a  
12 second. It was after the 19th that I really felt  
13 that he might have been involved.

14 Q You mean after July 19th or June 19th?

15 A July 19th.

16 Q All right, well, do you have with you  
17 your departmental report of the date of July 19,  
18 1986?

19 A I have a copy of it.

20 Q Now, with respect to that, does that not  
21 indicate that on June 25, 1986 that when you  
22 removed Mr. Rainey from the Baltimore City Jail  
23 that you interviewed him?

24 A Could you repeat that, please.

25 Q Does not your report indicate that on

1 June 25, 1986 when you removed Reuben Rainey from  
2 the Baltimore City Jail pursuant to the writ that  
3 you interviewed him?

4 A Yes, sir.

5 Q Now, prior to that interview, again, he  
6 was in your custody; is that correct?

7 A Yes, sir.

8 Q And he was shackled or in handcuffs; is  
9 that correct?

10 A During the transportation, yes.

11 Q And was he free to leave the Baltimore  
12 City Police Department at any time?

13 A No, sir.

14 Q Was he free to leave your custody at any  
15 time?

16 A No, sir.

17 Q Did you advise him that you wished to  
18 speak with him further concerning this matter?

19 A He had called me and I did speak with  
20 him about the matters.

21 Q I understand that. Did you advise him  
22 that you wished to speak to him further about this  
23 matter? That is why you removed him from the  
24 Baltimore City Jail?

25 A At his request yes, sir.



1           Q     At that point did you advise him that he  
2     did not -- Even though you had removed him  
3     pursuant to his request that he did not have to  
4     speak with you if he decided he didn't want to?

5           A     No, sir, I did not.

6           Q     Did you ever advise him that, even if he  
7     initially wanted to speak with you, at any point  
8     he had the right to remain silent and simply stop  
9     talking with you?

10          A     I didn't. No, sir, I did not.

11          Q     Did you ever determine at that point  
12     whether he had an attorney?

13          A     No, sir, I did not.

14          Q     Did you ever advise him that he had a  
15     right to have an attorney before talking with you  
16     concerning this matter or any criminal matter in  
17     which he may have been involved?

18          A     You said any criminal matter that he  
19     might have been.

20          Q     How did you advise him concerning his  
21     right to an attorney? Did you say anything at all  
22     to him?

23          A     No, I did tell him that I didn't want to  
24     discuss his case, his narcotics case with him. My  
25     only interest was the death of the two women.

1           Q     That was my next question.  You, indeed,  
2     discussed only that with him and you were only  
3     interested in these homicides cases; is that  
4     correct?

5           A     Yes, sir.

6           Q     Now, did you advise him that anything  
7     that he said could be used against him either in  
8     your investigation or in some further proceedings?

9           A     No, sir, I did not.

10          Q     Now, during the course of his discussion  
11     with you, did you ask him questions?

12          A     Yes, sir.

13          Q     Did he answer those questions?

14          A     The questions I directed to him.

15          Q     Did you ask him questions?  You said  
16     yes?

17          A     I have to clarify that.  Some questions  
18     he answered, yes.

19          Q     Now, with respect to those questions  
20     that he answered, did you make notes?

21          A     Did I make notes, no, sir.

22          Q     Did you take any written statement from  
23     Mr. Rainey?

24          A     No.

25          Q     Did you take any recorded statement

1 from Mr. Rainey?

2 A No.

3 Q Was there any other witness with you in  
4 the room, with you and him?

5 A My report doesn't reflect. There is a  
6 possibility my partner might have been there. I  
7 don't recall.

8 Q Now, your partner's name is what?

9 A Gary Dunnigan and Sergeant Landsman,  
10 both.

11 Q Now, with respect to the -- jumping  
12 ahead for a minute -- this fourth interview to  
13 which you were not a party and which occurred  
14 sometime after July 19th or this fourth removal or  
15 this fourth -- strike that -- With respect to the  
16 situation involving Mr. Rainey being in police  
17 custody after July 19th when you were not  
18 involved, who were those police officers?

19 A I spoke with Sergeant Landsman by  
20 telephone and he indicated that Mr. Rainey was in  
21 the office at the Homicide Unit office at that  
22 time.

23 Q With whom?

24 A Well, he just said that he is here in  
25 the office. Reuben is here.

1 Q Okay. Did you come to understand later  
2 that Detective Dunnigan and Sergeant Landsman were  
3 involved in that?

4 A I don't know who interviewed him.  
5 However, I do know that Detective Dunnigan, and I  
6 believe it might have been McAllister, all right,  
7 at one time transported him back to City Jail.

8 Q And with respect to Detective Dunnigan  
9 and Sergeant Landsman, those were the individuals  
10 with whom you were working on this particular  
11 case; is that correct?

12 A Yes, sir, correct.

13 Q Now, returning then to June 25, 1986  
14 does not your report that is dated July 19, 1986  
15 indicate that at that time that you felt Mr.  
16 Rainey was withholding information from you as to  
17 his personal knowledge concerning the offense?

18 A Yes, sir.

19 Q Now, you formed that opinion at that  
20 time; is that correct on June 25, 1986?

21 A On June 25th, yes, sir.

22 Q June 25, 1986?

23 A Well, yes, I felt that he knew more  
24 about it yes, sir.

25 Q Does your report also indicate that it

1 appears he himself could possibly be involved?

2 A Could possibly yes, sir.

3 Q So it is at that point during your  
4 interview or interrogation of Mr. Rainey that you  
5 make the determination that he may be involved in  
6 the matter in some form; is that correct?

7 A I felt that he possibly could be  
8 involved, had knowledge of it, yes.

9 Q On July 19, 1986 you again remove him  
10 pursuant to a writ giving you temporary custody of  
11 him; is that correct?

12 A That is correct.

13 Q And again he is taken from the Baltimore  
14 City Jail in handcuffs?

15 A That is correct.

16 Q At that time you again are the person  
17 who is transporting him?

18 A Yes, sir.

19 Q You take him again to the C.I.D.  
20 Homicide office in the headquarters building of  
21 the Baltimore City Police Department?

22 A Yes, sir.

23 Q Do you then advise him that you have  
24 suspicions that he may personally be involved in  
25 the murders of these two ladies on June 2nd, 1986?

1           A       No, sir, I did not.

2           Q       Do you advise him that any questioning  
3       that you are undertaking with respect to him could  
4       be used to further your investigation against him?

5           A       No, sir.

6           Q       So did you ever advise him at that point  
7       that he should consult with his attorney?

8           A       No, sir, I did not.

9           Q       Did you determine that by July 19th he  
10      had an attorney assigned to him?

11          A       No, sir, I didn't.

12          Q       Did you make any determination or did  
13      you make any effort to find that out from him?

14          A       No, sir, I didn't.

15          Q       Again, was there any of the so called  
16      Miranda warnings given to him either by yourself,  
17      or by any other party of the Baltimore City Police  
18      Department to your knowledge?

19          A       To my knowledge, no, sir.

20          Q       Did you then ask him questions  
21      concerning the matter?

22          A       Yes, I wanted to know why was he  
23      contacting me again. What did he have now.

24                THE COURT: I didn't hear you what you  
25      said.

1 THE WITNESS: I wanted to know what he  
2 wanted, you know, what information did he have  
3 now.

4 Q Did you ask him just one question and  
5 then he followed with an extended narrative, or  
6 did you ask him a series of questions to which he  
7 answered?

8 A As far as the dialogue between he and I,  
9 it varied. Rainey, you know, you are giving  
10 better and better pieces about this thing, do you  
11 know who did it.

12 Q Well, when you would say do you know who  
13 did it, that would be you speaking; is that  
14 correct?

15 A Yes.

16 Q So you were asking him at least in some  
17 form a series of questions; isn't that correct?  
18 You were interrogating him; isn't that correct?

19 MR. BRAVE: Objection, Your Honor.

20 THE COURT: Well, actually counsel you  
21 are asking him to leap to a conclusion.

22 MR. TAYBACK: Well, I will withdraw the  
23 question as stated then.

24 Q You understand what interrogation means,  
25 don't you?

1           A     Yes, sir.

2           Q     Were you interrogating, as you  
3 understand the term, Mr. Rainey?

4           A     We were discussing certain points about  
5 a case yes, sir.

6           Q     And well --

7           A     We were not necessarily interrogating  
8 him. See, it is difficult for me to explain, not  
9 difficult for me to explain. Let me say it like  
10 this. He had related certain things to me on a  
11 prior interview, on the 25th, and at that time I  
12 felt that either someone had told him, mainly  
13 Coco, of her involvement and that he knew that he  
14 was withholding that from me as to her involvement  
15 and when he came back this time, returned on the  
16 19th, it was the same thing. You know, Rainey,  
17 will you say for sure, did she do it, that type of  
18 thing.

19          Q     On June 19th, June 25th, or July 19,  
20 1986 did Mr. Rainey ever indicate to you in any  
21 form whatsoever that he understood that he had a  
22 right to have an attorney present during any  
23 discussions with you concerning this matter?

24          A     Pertaining to this matter, no, sir, he  
25 did not.



1           Q     On any of those three dates did Mr.  
2 Rainey ever indicate to you that he understood his  
3 Miranda rights? Did he ever use any term like  
4 that or indicate anything concerning that?

5           A     That never came up, no, sir.

6           Q     With respect to Mr. Rainey's cooperation  
7 on June 25, 1986, did you and he discuss his  
8 request that his bail be reduced from whatever it  
9 was at that time to one thousand dollars?

10          A     Yes, sir, we did.

11          Q     How did that come about?

12          A     He had a high bail and he wanted to know  
13 what could I do to get his bail reduced. That by  
14 him being on the street that he would be more apt  
15 to find out information pertaining to this case  
16 for me.

17          Q     Excuse me, was that at the beginning of  
18 your interview with him?

19          A     That issue itself came up four or five  
20 times, counsel. You know, he constantly had  
21 wanted his bail reduced.

22          Q     What, if anything, was your response  
23 during these four or five times that this issue  
24 came up on June 25, 1986?

25          A     Well, naturally I told him that I would

1 see the State's Attorney. That I didn't have the  
2 power, you know, or the authority to have his bail  
3 reduced, but I would see someone pertaining to it.

4 Q So you indicated to him that you would  
5 on his behalf see the State's Attorney who you  
6 indicated did have the authority or the power to  
7 become involved in the bail reduction?

8 A That is correct.

9 Q And it was at that time that or during  
10 the course of the interview that he answered your  
11 questions or gave to you the information that he  
12 wanted to proffer to you; is that correct?

13 A No, sir, that is not correct. It  
14 wasn't about me promising or saying that I would  
15 see someone that he began to tell me or to answer  
16 questions pertaining to the homicide. That is not  
17 true. It is not in that context. Like I said, he  
18 constantly talked about bail reduction. It was  
19 obvious that the man wanted to get out on bail.

20 Q Well, you're saying that he constantly  
21 spoke about the bail reduction. You have  
22 indicated your answer -- Was your answer the same  
23 each time or did it change?

24 A Well, I explained to you, I will see  
25 what I can do, that type of answer.

1 Q Well, you were more specific according  
2 to what you said. You said you would see the  
3 State's Attorney?

4 A At one time I did say that, yes, sir.

5 Q When was that one time that you said  
6 that?

7 A At the beginning or the end of the  
8 conversation. I don't recall the conversation.  
9 It did occur.

10 Q Did you make any notes as to --

11 A No, sir.

12 Q As to the sequence of events?

13 A No, sir, I did not.

14 Q On July 19, 1986 did you again discuss  
15 the conditions of release with Mr. Rainey?

16 A This time Mr. Rainey came up with the  
17 idea that a thousand dollars was a little too  
18 much. What about him being released on his  
19 recognizance.

20 Q When was it that he discussed that with  
21 you during the conversation of July 19, 1986?

22 A One of the periods again at the  
23 beginning or the end of the conversation. I am  
24 not sure, but it did occur.

25 Q Did you make any notes concerning that

1 conversation?

2 A On a typewritten report.

3 Q I am sorry.

4 A I made a report.

5 Q Is that the report to which you  
6 referred, the July 19, 1986 report?

7 A Yes, sir, that is correct.

8 Q Does it also indicate in that report  
9 that you had received information on July 18, 1986  
10 from another source which at that point led you to  
11 believe that Mr. Rainey was involved in the  
12 homicides?

13 A Well, the information I received on the  
14 18th, it indicated to me at that time that Mr.  
15 Rainey possibly, and possibly two other people  
16 that was involved in it.

17 Q On July 18th, which is the day before  
18 July 19th, you did have information then,  
19 additional information, that strengthened your  
20 thoughts that Mr. Rainey was involved in the  
21 homicides; is that not correct?

22 A His name wasn't mentioned, but I felt  
23 that the information that was available to me --  
24 and it was about the person that possibly was  
25 responsible for this homicide -- about some prior

1       arrests that he might have had or that he was  
2       presently incarcerated, but you have to remember  
3       there is three other people over there, too.

4               Q       However, with respect to that  
5       information, you had that in hand one day before  
6       you spoke with Mr. Rainey; is that correct, on  
7       July 19th?

8               A       That is correct, yes, sir.

9               Q       And even with that in mind, you did not  
10      warn him concerning his Miranda rights; is that  
11      correct?

12              A       No, sir, I did not.

13                      MR. TAYBACK:   Thank you.

14                               REDIRECT EXAMINATION

15      BY MR. BRAVE

16              Q       Detective, in all fairness, let's put  
17      this into some prospective.   There were a total of  
18      four contacts with Mr. Rainey, three of which you  
19      were personally involved in, and one of which you  
20      have heard about from other detectives, the first  
21      one being the original contact on June the 19th?

22              A       Yes.

23              Q       Is that correct?

24              A       That is correct.

25              Q       Now, on June the 19th, sir, it is true

1       that Mr. Rainey was in custody, correct?

2           A       That is correct.

3           Q       He was in custody for an alleged  
4       narcotic, a narcotics charge which allegedly had  
5       come up earlier that day?

6           A       That is correct, yes, sir.

7           Q       I am sure during the course of your  
8       work, you interview many people lots of times who  
9       you think might know something about a homicide  
10      and you don't Mirandize them; is that correct?

11          A       Often, yes.

12          Q       Now, other than, perhaps, assuming that  
13      there was some basis for this narcotics charge  
14      that had arisen earlier in the day, did you have  
15      any, any suspicion however slight when you  
16      interviewed Reuben Rainey on June the 19th that he  
17      might be involved in the June 2nd homicides?

18          A       None.

19          Q       So whether he was in custody or not in  
20      custody, certainly the focus of the investigation  
21      hadn't landed on him?

22          A       No, sir.

23          Q       As a matter of fact, it was at that  
24      point in time over on somebody by the name of Lee  
25      with a Jamaican accent with gray flexes in his

1 hair; is that correct?

2 A As a matter of fact, I focused on Mr.  
3 Lee until the latter part of July.

4 Q Between June 2nd and June 19th the name  
5 Lee --

6 A Constantly.

7 Q -- was the one that kept coming up?

8 A That is correct.

9 Q So other than the fact that he was in  
10 custody on another charge, there would be no  
11 reason why you would advise him of his Miranda  
12 warnings on June 19th?

13 A That is correct.

14 Q Now, on June 19th he didn't tell you  
15 anything?

16 A Nothing at all, no, sir.

17 Q Absolutely nothing. He hadn't even  
18 heard of the murders?

19 A That is correct.

20 Q The next time you interviewed him is on  
21 June the 25th; is that correct?

22 A Yes, sir.

23 Q That is as a result of him calling you?

24 A That is correct.

25 Q Several times in between June 19th and

1 June 25th when you start to talk to him, he is  
2 still in the same category as he was when he left  
3 your office on June 19th?

4 A That is correct.

5 Q He doesn't know nothing and you don't  
6 suspect him of anything?

7 A No.

8 Q It is on June 19th as a result of that  
9 discussion, which he requests, that he says for  
10 the first time that he has heard that Coco knows a  
11 great deal about this?

12 A June --

13 Q June 25th, I am talking about?

14 A All right.

15 Q As a matter of fact, just before he was  
16 arrested on a Sunday, June the 15th, he had seen  
17 Coco with a .357 Magnum?

18 A That is correct.

19 Q Now, no one knew that there was a .357  
20 Magnum involved?

21 A No, no one at all. I never related that  
22 to no one.

23 Q No one that isn't involved in the crime  
24 knew that?

25 A Yes.



1           Q     As a matter of fact, you and the  
2 ballistics expert Joseph Kopera thought it might  
3 very well be a .357 Magnum at that point?

4           A     Kopera did, yes. I thought it was like  
5 a large .38 to me.

6           Q     But there was no gun, there was no gun  
7 that had appeared at that point?

8           A     No.

9           Q     So as I understand your testimony after  
10 he leaves that interview or interrogation, as Mr.  
11 Tayback would like to call it, you are now left  
12 with the opinion that he maybe knows something?

13          A     I felt that he did, yes.

14          Q     But as far as you suspecting him of  
15 being the killer is concerned, he still is not  
16 suspected as the killer?

17          A     Not the killer, no.

18               THE COURT: Let me get one thing  
19 straight. Now, you're saying the fact that he put  
20 a .357 Magnum in Coco's hands was part of the  
21 reason why you began to believe that he knew more  
22 because you hadn't divulged this information to  
23 anyone else?

24               THE WITNESS: That Your Honor, plus  
25 Coco. Coco was an important part of this thing.

1 On the night it occurred, we know that Coco had  
2 spoke to the victims just prior to their deaths  
3 and after they raided the house up on Fayette  
4 Street, Coco appeared again and she herself had  
5 problems with the police in New York. I believe  
6 it might have been for murder. These things just  
7 indicated that Coco was involved in it and Mr.  
8 Rainey and Coco are from New York and they knew  
9 each other and I just felt that she had confided  
10 in him.

11 THE COURT: Now, you had said earlier  
12 that it was after July 19th, 1986 that you felt  
13 that the defendant might be involved?

14 THE WITNESS: Yes, sir.

15 THE COURT: And you're saying you had no  
16 suspicion at all on July 19th? It was only after  
17 that date?

18 MR. BRAVE: No, sir, I don't think --  
19 May I ask a question?

20 THE COURT: Go ahead.

21 MR. BRAVE: I think I can clear this up,  
22 Your Honor.

23 Q. So then he leaves your office, goes back  
24 to the Baltimore City Jail to await trial on the  
25 narcotics charges?

1           A     Uh-huh.

2           Q     You still got Lee as a suspect, may be  
3 this guy is giving you some information which had  
4 some merit, may be not, but Coco is certainly a  
5 possible suspect and as far as you know Rainey  
6 knows more than he is telling?

7           A     I felt that, yes.

8           Q     Now, on July 18th an investigator from  
9 the New York District Attorney's Office comes to  
10 Baltimore?

11          A     Yes.

12          Q     Is that correct?

13          A     That is correct.

14          Q     He talks to Rainey? No, he talks to  
15 someone on that date; is that correct?

16          A     Yes, sir, he did.

17          Q     And he reports back to you as to the  
18 results of that conversation?

19          A     Yes, sir.

20          Q     As a result of what the investigator  
21 from the New York DA's Office tells you, isn't it  
22 true, that as a result of that conversation  
23 suddenly Rainey, the name Rainey sort of leaps  
24 into the forefront as a prime suspect?

25          A     Yes, it did.

1           Q     And the next day, who do you get a call  
2     from?

3           A     Mr. Rainey.

4           Q     Now, there is no question that he is a  
5     suspect on July 19th as a result of this  
6     conversation with Detective Kapers?

7           A     I felt it, yes.

8           Q     Did the fact that it was Rainey that  
9     requested the interview and not you that went to  
10    seek Rainey; is that the reason you failed to  
11    advise him of his Miranda warnings on July the  
12    19th?

13          A     That could have been, yes.

14               THE COURT:   What was the answer?

15               THE WITNESS:   Well, that is probably one  
16    of the reasons at that time.   Two, again, on the  
17    19th when Mr. Rainey was brought out, it was at  
18    his request and again he stated that the person  
19    responsible for this thing was, in fact, Coco.   At  
20    this time this is the first time Mr. Rainey  
21    indicated to me that he actually knew who was  
22    responsible for it and he was saying someone else.

23               THE COURT:   But your state of mind had  
24    changed?

25               THE WITNESS:   It had changed, that is

1 correct. I was letting him talk. I wanted to see  
2 what he was going to say.

3 THE COURT: You really feel that giving  
4 him Miranda rights would stop him from talking?

5 THE WITNESS: Never entered my mind,  
6 Your Honor, it really didn't.

7 Q I think what the judge is suggesting is  
8 that, perhaps, the reason you didn't give him his  
9 Miranda warnings is that since he wanted to talk  
10 to you, the Miranda warnings would have stopped  
11 him from talking because this is the man that  
12 called you up and wanted to talk to you?

13 A And also, too, Your Honor, may be I  
14 should clear this up, may be it is not clear. On  
15 the 19th of June when Mr. Rainey was brought to  
16 the Homicide Unit office at that time, I have no  
17 one saying that Mr. Rainey was, in fact, the  
18 person that was responsible for these people's  
19 death. I didn't know for sure that Mr. Rainey --  
20 that I felt Mr. Rainey was involved until the 31st  
21 of July.

22 THE COURT: Well, the concern that I  
23 have is that you received, was it a visit, from  
24 the investigator from the New York City DA's  
25 office on the 18th?

1 THE WITNESS: Yes, sir.

2 THE COURT: After you had that interview  
3 or that discussion with him, all of a sudden, Mr.  
4 Rainey, the posture that Mr. Rainey was in changed  
5 in your mind. You didn't view it the same way. I  
6 am a little at a loss as to why not, since he is  
7 calling you, since he wants to talk to you, why  
8 not just give him his Miranda rights?

9 THE WITNESS: Because -- Well, it was a  
10 judgment thing, Your Honor. I guess Mr. Rainey  
11 called me because I felt Mr. Rainey wanted to know  
12 what the two guys that was brought out of the jail  
13 the day before was talking about. They never told  
14 me that Mr. Rainey -- The investigator never said  
15 Mr. Rainey was responsible or Mr. Rainey was  
16 involved in this. His conversation was this.  
17 That the concern was that the person who was  
18 responsible possibly in this thing is a guy from  
19 New York and a girl. Two girls are involved.  
20 That is what they told me. That was the extent of  
21 it, not Mr. Rainey.

22 Q Actually not only was it a guy from New  
23 York and there were two girls, but I believe you  
24 also were informed that the guy from New York is  
25 presently incarcerated?

1           A     Right.

2           Q     Along with one of the two women?

3           A     That is correct.

4           Q     And that the guy from New York is  
5 currently on parole for murder?

6           A     For murder.

7           Q     And of all of the people who you had  
8 been talking to, there was only one person that  
9 fit that description?

10          A     That was on parole for murder. The  
11 other guys from New York was on parole. As a  
12 matter of fact, the other two guys were on parole,  
13 but they weren't on parole for murder. The only  
14 person on parole for murder was Mr. Rainey, that  
15 is correct.

16          Q     Well, Robert Robinson, of course, was on  
17 parole?

18          A     Robinson and also Mr. Boyce was on  
19 parole, too.

20          Q     Right, but what I am saying, too, is as  
21 a result of the information that the detective  
22 gave you, Reuben Rainey suddenly became the number  
23 one suspect?

24          A     In my mind, yes, sir.

25          Q     He suddenly jumped out ahead of Lee?

1           A       Yes, sir.

2           Q       Okay. Now, whether or not Miranda  
3 should have been given or not is a matter we don't  
4 have to discuss here, but the fact is it wasn't  
5 given?

6           A       No, sir, I did not.

7           Q       Despite the fact that it wasn't given,  
8 was there anything about that interview that was  
9 involuntary --

10           MR. TAYBACK: Objection.

11           Q       -- on the part of the defendant? Let me  
12 rephrase the question. Did the defendant or did  
13 he not, once you brought him out after he  
14 requested that you bring him out, did he start  
15 telling you things?

16           A       Yes, he did. It was like a monologue.  
17 We just talked. That is what it amounted to.

18           Q       I mean, it is true that you must have  
19 asked him why did you want us to bring you out?

20           A       Certainly.

21           Q       To start him talking and he then gave  
22 you certain information. This time he knew that  
23 it was Coco?

24           A       That is correct.

25           Q       And now he supplied the motive that Coco



1 was jealous over this new girlfriend of Lee's?

2 A That is correct.

3 THE COURT: Mr. Brave, can you excuse me  
4 just one minute. Everyone remain seated. I have  
5 one brief matter to take care of.

6 (Whereupon the Court recessed, following  
7 which the proceedings in this matter resumed:)

8 THE COURT: Okay, Mr. Brave.

9 MR. BRAVE: Thank you, Your Honor.

10 Q Now, this is basically the same  
11 information that he gave back on June the 25th  
12 that he is telling you now on July 19th except he  
13 is supplying the motive now?

14 A Yes, sir.

15 Q And he is saying that Coco, instead of  
16 not knowing who did it, he is telling you that  
17 Coco really did it?

18 A That is correct.

19 THE COURT: And the motive was.

20 Q Jealousy?

21 A Jealousy was the --

22 Q I am sorry.

23 A The motive was because of Lee's  
24 involvement with one of the victims that were  
25 killed.

1 Q Now, did you buy any of that --

2 A No.

3 Q -- after your conversation with  
4 Detective Kapers?

5 A I had problems with it.

6 Q I mean, would it be fair to say that you  
7 realized why he had asked to be brought out of  
8 jail on a writ the day after you had your  
9 conversation with Kapers?

10 A I felt that Mr. Rainey was curious about  
11 what had been occurring. That he was in the  
12 dark. He wanted to know why these people were  
13 out, were brought out.

14 Q Would you say his status as a suspect  
15 remained just as high, went even higher, or  
16 dropped as a result of that interview?

17 A I believe it probably went higher.

18 Q Okay. Now, you have indicated to Mr.  
19 Tayback that there were several discussions during  
20 this interview now of July 19th concerning a  
21 reduction of bail?

22 A Which interview, sir, the 19th?

23 Q The reduction of bail for Mr. Rainey?

24 A On the 19th or 25th?

25 Q Oh, wait a minute. I am sorry. I think

1 I am confused. On the 25th there was a  
2 discussion?

3 A Yes, sir.

4 Q Of reduction of bail. At that point  
5 were you really seriously considering going to the  
6 State's Attorney's Office to ask them to reduce  
7 bail to let this guy go to some undisclosed  
8 location?

9 MR. TAYBACK: Objection.

10 THE COURT: Overruled.

11 A No, I had no intention of seeing anyone.

12 MR. BRAVE: I have nothing further, Your  
13 Honor.

14 RECROSS EXAMINATION

15 BY MR. TAYBACK.

16 Q Now, Detective Requer, in response to  
17 the State's questions of you or the State's  
18 narrative to which you answered yes or no. You  
19 have said basically that Mr. Rainey did not become  
20 a suspect until approximately July 18th; is that  
21 correct, and even then he was not your prime  
22 suspect, but was simply a suspect along with  
23 several other people until approximately July  
24 31st, I believe, was the date you used; is that  
25 correct?

1           A     Yes, sir, that is correct.

2           Q     Now, do you have with you a copy of your  
3 report from July 19, 1986 your inner,  
4 intradepartmental report, whatever these are  
5 called?

6           A     Yes, sir.

7           Q     Can you remove that from your file. I  
8 would like to have the clerk mark that as --

9           A     This is the copy. I don't have my file.

10          Q     All right, well, if you have another I  
11 will mark it anyway.

12                   (Whereupon, defendant's exhibit one on  
13 the motion was marked for I.D.)

14          Q     Detective Requer, I will show you a  
15 report that has been marked defendant's exhibit  
16 number one for purposes of this motion. I would  
17 ask that you review that and make sure that that  
18 Xerox or photostated copy is the same as the  
19 report that you wrote on July 19, 1986 and to  
20 which we have been referring?

21          A     Yes, sir.

22          Q     Does that not indicate in there, in that  
23 report, that you had suspicions either during the  
24 interview or because of the interview of June 25,  
25 1986 concerning Mr. Rainey's involvement or

1 knowledge of the murders of June two, 1986; isn't  
2 that contained in the bottom of the first page?

3 A Yes, sir.

4 Q How long have you been a police officer,  
5 Detective Requer?

6 A Twenty-three years.

7 Q And during that period of time, you have  
8 been a homicide officer for how many years?

9 A Over eight years.

10 Q You are aware of people who are  
11 principles in the first degree or the second  
12 degree in crimes?

13 A Yes, sir.

14 Q You are also aware of accessories before  
15 or after the fact concerning crimes?

16 A Yes, sir.

17 Q Concerning felonies?

18 A Right.

19 Q Now, with respect to that situation, you  
20 had at sometime during the course of your  
21 interviewing of Mr. Rainey on June 25, 1986  
22 suspicions generated about his knowledge and/or  
23 involvement; isn't that correct?

24 A I had suspicions yes, sir.

25 Q And yet those suspicions of him possibly

1 being involved in this criminal enterprise in some  
2 fashion did not then cause you to at that time  
3 advise him further concerning Miranda rights or  
4 warnings?

5 A Counselor, I had nothing to substantiate  
6 it. It was just a gut feeling more or less about  
7 him, you know. I had nothing to base my  
8 suspicions on. Just one of those things, I just  
9 felt it.

10 Q You had some suspicions or feelings; is  
11 that correct?

12 A That is correct, yes, sir.

13 Q At that point your investigation had not  
14 developed information concerning proof or  
15 substantiation or corroboration of those gut  
16 feelings as you call them?

17 A Yes, sir.

18 Q However, nonetheless, you had those  
19 feelings and suspicions and that was part of your  
20 investigation to follow up; isn't that correct?

21 A To follow up if possible, yes.

22 Q And that information was being generated  
23 through the mouth of Reuben Rainey when he was  
24 talking with you and answering your questions; is  
25 that not correct?

1 A That is correct.

2 Q And that was happening on June 25, 1986;  
3 is that also correct?

4 A Yes.

5 Q And you cannot indicate to His Honor  
6 today when those suspicions developed or in  
7 response to what questions or whether it was at  
8 the beginning, the middle, or the end of this  
9 particular conversation with Mr. Rainey, can you?

10 A When I formed the suspicions?

11 Q Yes.

12 A No, I can't.

13 Q Now, as to July 19, 1986 you have now  
14 indicated that clearly Mr. Rainey was a suspect in  
15 this matter in some form, either as the actual  
16 shooter or in some way involved in it; is that  
17 correct?

18 A I felt it, yes, sir.

19 Q And you felt that before you interviewed  
20 him again on July 19, 1986 isn't that correct?

21 A Yes, sir, that would be fair.

22 Q And yet no Miranda warnings were made at  
23 that time either?

24 A That is correct, sir.

25 Q Now, as to the situation concerning his

1        talking with you on July 19, 1986. July 19th,  
2        1986 you mentioned in response to one of the  
3        State's questions on redirect that it was like a  
4        monologue. A monologue would mean basically that  
5        he was talking and you were listening?

6            A        That is correct.

7            Q        However, you said in response to my  
8        questions on cross examination of you that is not  
9        true. What you were doing, you were asking him  
10       questions, how many we don't know, but you were  
11       asking him questions and he was providing answers?

12           A        One time. It is still a monologue type  
13       of thing. He would talk and then I would say what  
14       about such and such a thing. I mean, it wasn't  
15       just question and answer like you took a formal  
16       statement.

17           Q        You were certainly prompting him into  
18       certain areas by your questions; isn't that  
19       correct?

20           A        I guess you could say that.

21           Q        You had questions you wanted answered;  
22       isn't that correct?

23           A        Sure about Coco's involvement, yes..

24           Q        That is why you asked him?

25           A        Yes.



1 MR. TAYBACK: I have no further  
2 questions.

3 THE COURT: Mr. Brave.

4 MR. BRAVE: Well, just one question.

5 REDIRECT EXAMINATION

6 BY MR. BRAVE

7 Q Forgetting whether or not, as I say,  
8 whether or not Miranda should have been given at  
9 various stages is not the question --

10 MR. TAYBACK: Objection, Your Honor.

11 THE COURT: Sustained.

12 Q But but it is clear that you didn't give  
13 Miranda?

14 A No, sir, I did not.

15 Q And was that basically the product of  
16 the fact that Mr. Rainey was requesting to talk to  
17 you and you weren't showing up at his cell and  
18 interrogating him?

19 A Well, initially that and also at one  
20 time I felt Mr. Rainey could possibly be a witness  
21 in this thing. That is my exact feelings that he  
22 possibly was a witness.

23 Q After your conversation of June 25th,  
24 you felt he knew more?

25 A Right, I did.

1 Q And the knowing more may even have  
2 extended into being involved?

3 A Involved or either may be Coco might  
4 have confessed to him, told him, yes, I shot them  
5 and, yes, I did it and, hopefully, we could use  
6 Mr. Rainey as a witness to it. As a matter of  
7 fact, in one of our conversations Mr. Rainey told  
8 me under no circumstances would he appear before  
9 any legal body and swear under oath to testify  
10 about what he said to me.

11 THE COURT: To say what?

12 THE WITNESS: I thought he was a  
13 witness. I actually thought that may be one of  
14 these people from New York had confided in him of  
15 their involvement. That is what I believed at  
16 first.

17 Q Whether or not Miranda should or should  
18 not have been administered, there is no question  
19 that it was Mr. Rainey who was requesting the  
20 interview and Mr. Rainey who was anxious to give  
21 you whatever information he gave you on June the  
22 25th and on July the 19th?

23 A That is correct.

24 Q And that there were no promises made to  
25 him, no threats made to him, no force or duress or

1 involuntary actions on your part?

2 A Never.

3 Q That produced this information?

4 A No, sir.

5 Q It was Mr. Rainey who was requesting the  
6 audience with you. You gave it to him and this is  
7 what he told you?

8 A Both occasions, that is correct.

9 MR. BRAVE: Thank you.

10 MR. TAYBACK: Your Honor, I simply move  
11 to introduce the defendant's exhibit one for  
12 evidence and I have no further questions.

13 (Whereupon, defendant's exhibit one was  
14 admitted into evidence.)

15 THE COURT: You may step down and thank  
16 you, Detective Requer.

17 MR. BRAVE: I think we may be able to  
18 short cut this possibly. I think the way the  
19 record stands it is clear that the State cannot  
20 introduce in its case in chief any statements made  
21 by Reuben Rainey to the detective on July 19th.  
22 It may even be that we can't offer any evidence in  
23 the State's case in chief as to comments made on  
24 June the 25th and out of an excess of caution I am  
25 not going to introduce that.

1 I think it is also equally clear that  
2 the statements, although not under the umbrella of  
3 Miranda, were truly voluntary and I think under  
4 Haws and Harris we should be able to use them by  
5 way of rebuttal if there is any. Mr. Rainey can't  
6 use these statements as a shield to protect him  
7 from perjury should he decide to take the stand.

8 As to the interview of June the 19th,  
9 there was no reason to give Miranda warnings. He  
10 wasn't a suspect under any stretch of the  
11 imagination. He didn't say anything.

12 THE COURT: Why are you introducing it?

13 MR. BRAVE: I am just -- I don't think I  
14 am going to put that in in my case in chief  
15 either, but certainly it seems to me it should be  
16 available to the State by way of rebuttal. That  
17 is the State's position on these three occasions.

18 THE COURT: Mr. Tayback.

19 MR. TAYBACK: Your Honor, with respect  
20 to the State's position, if we can clarify the  
21 points, I think we could come to an agreement and,  
22 that is, that the State will not use any materials  
23 gathered from the June 19, 1986 interview of my  
24 client, the June 25, 1986 interview, the July  
25 19th, 1986 interview, and whatever occurred

1 afterwards, July 19th afterwards.

2 We don't even have the date on that  
3 involving Detectives Dunnigan or McAllister or  
4 Sergeant Landsman in the State's case in chief. I  
5 would not concede for purposes of this hearing  
6 that the statements were voluntary. Clearly, they  
7 weren't given under Miranda warnings. I would not  
8 concede for purposes of this hearing that they  
9 were voluntary.

10 However, I would not dispute the State's  
11 position on the law, which is that although they  
12 could not be used in the State's case in chief  
13 that they could well be used in rebuttal if this  
14 court were to determine that on the evidence it  
15 does appear that they were voluntary even though  
16 not made pursuant to the Miranda warnings, but  
17 only as to rebuttal and not as to the State's case  
18 in chief.

19 THE COURT: Very well. Mr. Brave.

20 MR. BRAVE: Your Honor, I am in  
21 agreement as to June 19th, June 25th, and July  
22 19th. As to this other interview, I would like to  
23 put Detective Landsman on and find out a little  
24 more about that interview. I am just learning  
25 about that.

1 THE COURT: All right.

2 MR. TAYBACK: That is fine with me.

3 THE COURT: We will have to take a brief  
4 recess then.

5 (Whereupon the Court recessed, following  
6 which the proceedings in this matter resumed:)

7 THE COURT: Mr. Brave.

8 MR. BRAVE: Thank you, Your Honor. The  
9 State at this time will call Sergeant Jay Landsman  
10 to the stand.

11 Sergeant Jay Landsman,  
12 a witness produced on call of the State, having  
13 first been duly sworn, according to law, was  
14 examined and testified as follows:

15 THE CLERK: State your full name and  
16 present address.

17 THE WITNESS: Sergeant Jay Landsman,  
18 Baltimore City Homicide Unit.

19 DIRECT EXAMINATION

20 BY MR. BRAVE

21 Q Sergeant Landsman, although Detective  
22 Oscar Requer is the primary investigating officer  
23 in the double homicide that occurred on June the  
24 2nd, 1986 in the 4700 of Navarro Road, you  
25 participated from time to time during the course

1 of the investigation that followed; is that not  
2 correct?

3 A I supervised the entire investigation.  
4 I was present on the crime scene and present  
5 during at least seventy-five percent of the  
6 investigation, but Detective Requer was the  
7 primary investigator and I was the supervisor  
8 assigned this case.

9 Q Now, I want to direct your attention to  
10 sometime towards the latter part of July, 1986.  
11 Did you have occasion to talk to Reuben Rainey at  
12 any time?

13 A Yes, I did.

14 Q Was Detective Requer present at that  
15 particular time?

16 A No, he wasn't.

17 Q In an effort to --

18 THE COURT: What is that date again?

19 MR. BRAVE: Well, I am about to try to  
20 locate it.

21 Q In an effort to find the date that we  
22 are talking about, do you have any idea at all  
23 when that was in July?

24 A It was the 18th or 19th of July. It was  
25 the day that John Kapers, Detective John Kapers

1 had came to Baltimore from New York. In fact,  
2 Detective Requer was interviewing him. It is  
3 either the 18th or 19th of July, I believe.

4 Q I am going to show you something in a  
5 moment that might help us refresh your  
6 recollections on the exact date?

7 A It was close to that time anyway.

8 MR. BRAVE: I would like to have this  
9 marked for I.D. only as State's exhibit one on the  
10 motion, a writ, Your Honor.

11 (Whereupon, State's exhibit 1 marked for  
12 I.D.)

13 Q Sergeant Landsman, I am showing you a  
14 photocopy of a writ calling for Reuben Rainey to  
15 be transported by the Baltimore City homicide  
16 detectives on Monday, July the 21st, to be  
17 interviewed. Would that help refresh your  
18 recollection as to --

19 A Yes.

20 Q When?

21 A It was prior to his preliminary hearing  
22 at the Northwest which was the 22nd.

23 Q Okay, fine. That would be Reuben  
24 Rainey's preliminary hearing at District Court on  
25 the June 19th narcotics arrest?



1           A       That is correct.

2           Q       Okay. Now, did you decide to bring him  
3 out, or did Mr. Rainey request to be brought out?

4           A       Mr. Rainey called to the Homicide Unit.  
5 He says, look, bring me out. I may have some  
6 information.

7           Q       Had you had a chance yet to confer with  
8 Detective Requer and learn the results of his  
9 discussions with Investigator Kapers from New  
10 York?

11          A       No, I hadn't. The reason, I had just --  
12 I had just gotten into work. It was around four  
13 o'clock. You can see this writ was obtained at  
14 four or five p.m. It was just prior to four. I  
15 was able to catch somebody at the courthouse who  
16 got the writ. I hadn't located Detective Requer  
17 as of yet. I put in calls for him and in the  
18 meantime had Mr. Rainey brought over to the  
19 Homicide Unit.

20          Q       And had you talked to investigator  
21 Kapers following his conversation with Mr.  
22 Robinson?

23          A       I was unaware of anything that was going  
24 on at that time because I hadn't talked --

25          Q       So would it be fair to say you hadn't

1       been brought up to date?

2           A       That is correct.

3           Q       Okay. As a result of not having been  
4 brought up to date, did you, even though this was  
5 Mr. Rainey's request to be interviewed, did you  
6 bother to give him any Miranda warnings?

7           A       I really didn't interview him.  
8 Basically what I did, I sat him in my office in  
9 the Homicide Unit, and I was awaiting Detective  
10 Requer. The only thing I remember, just a few  
11 things that he rambled on, that was in response to  
12 no questioning whatsoever.

13          Q       Okay. Even if it wasn't in response to  
14 any question, did you have any occasion or think  
15 you needed to give him his Miranda warnings?

16          A       He was in no way a suspect at that time.

17          Q       Not in your mind?

18          A       Not in my mind.

19          Q       You hadn't conferred with Oscar Requer  
20 yet?

21          A       That is correct. It wasn't until right  
22 after that -- In fact, very near to this time when  
23 Detective Requer called. He says, Jay, don't  
24 talk, don't talk to him. Send him back. Do not  
25 interview him. I said fine. Packed him up and

1 sent him back to Baltimore City Jail. It was  
2 later when I met with Detective Requer that he  
3 advised me that Mr. Rainey was very high priority  
4 as far as a suspect.

5 Q Whether it was in response to any  
6 questions or no questions at all, what, if  
7 anything, did Mr. Rainey say to you?

8 A He was just indicating that he could  
9 possibly come up with the murder weapon. He says  
10 but he has to get out on the street to do it. He  
11 says he can't tell us where it is at. You know,  
12 he says if I get out on the street, I could come  
13 up with it.

14 Q He needs a little room to maneuver?

15 A Right.

16 Q If you trust him out on the street, he  
17 will try to get you that murder weapon?

18 A Right.

19 Q You said thank you very much and sent  
20 him back?

21 A I did not indicate anything. Detective  
22 Requer said to just simply sent him back to the  
23 Baltimore City Jail.

24 MR. BRAVE: Okay. Thank you.

25 THE COURT: Mr. Tayback.

1 MR. TAYBACK: All right, may I have the  
2 defendant's exhibit number one.

3 CROSS EXAMINATION

4 BY MR. TAYBACK

5 Q Now, Sergeant Landsman, who is Captain  
6 John J. MacGillavry?

7 A That is our captain.

8 Q Do you work under him?

9 A Yes, I do.

10 Q Is there only one captain in that  
11 particular unit, C.I.D. Homicide?

12 A That is correct.

13 Q So he is in charge of everybody  
14 including you. You are a team, I guess, and  
15 Detective Requer is on your team?

16 A Yes, sir.

17 Q Now, reports that are made by Detective  
18 Requer, would they go through you prior to going  
19 to the captain of the entire Homicide Unit?

20 A Yes, normally if I am there.

21 Q Did you ever review a report of July 19,  
22 1986 concerning the homicide of Deborah Veney and  
23 Glenita Johnson?

24 A Is that the one where Rainey was  
25 interviewed by Detective Requer and he told Requer

1       that if he got him out on one thousand dollars  
2       bail that --

3             Q       That is the report?

4             A       Yeah, I think I did.

5             Q       Do you remember when you saw that  
6       report?

7             A       I guess it was very close to the time  
8       that it was typed, on the 19th of July.

9             Q       So at least and I will show you this  
10       report. If you need to look at it to refresh your  
11       memory?

12            A       Uh-huh, I know the report.

13            Q       So you have seen it on or about July  
14       19th, 1986; isn't that correct?

15            A       Pretty close to that time. Could have  
16       been the 20th. Could have been a few days after  
17       that that I remember seeing this report.

18            Q       Do you remember seeing that report  
19       before July 21, 1986?

20            A       I didn't sign this. So I really can't  
21       tell you.

22            Q       When you spoke with Mr. Rainey on July  
23       21, 1986, can you tell us at this time whether you  
24       had any knowledge of that report prior to speaking  
25       to him on July 21, 1986?

1           A       I can't recall that, but my testimony  
2 wouldn't change if I did. I really don't know.

3           Q       My question to you is can you recall it?

4           A       I told you three times, no.

5           Q       Now, with respect to your situation with  
6 Mr. Rainey, had you been involved in any of the  
7 questioning of Inspector Kapers?

8           A       No.

9           Q       Had you at least discussed, if not, read  
10 a report from Detective Requer, had you at least  
11 discussed with him the ongoing investigation of  
12 which you were a supervisor?

13          A       Yes, I did.

14          Q       Do you recall being informed that  
15 Inspector Kapers from New York City had indicated  
16 that an individual on parole for murder was  
17 involved in the murders of Deborah Veney and  
18 Glenita Johnson?

19          A       As I testified earlier, it wasn't until  
20 the evening that I brought Mr. Rainey out on a  
21 writ that I learned anything remotely connecting  
22 Mr. Rainey to the investigation. Okay. This  
23 report is typed on the 19th of July. I may not  
24 have reviewed it, or submitted this report until a  
25 week later. As I testified earlier, I did not

1       associate Mr. Rainey as being a suspect at all  
2       prior to the day of the 21st.

3               Q       How about from June 25, 1986 had you  
4       spoken with Detective Requer concerning this case?

5               A       Yes. Now, it was indicated, as many of  
6       the people involved in this, that Mr. Rainey was  
7       an uncooperative witness possibly, but there is no  
8       way that he was cited as a suspect in this  
9       investigation.

10              Q       So are you indicating to the court that  
11       Detective Requer did not tell you that after June  
12       25, 1986 that he was suspicious of the involvement  
13       of Mr. Rainey in this matter?

14              A       No, not suspicious of the involvement,  
15       suspicious of his cooperation as far as being a  
16       witness.

17              Q       So Mr. Rainey calls. Detective Requer  
18       was not there; is that correct, on July 21, 1986?

19              A       Yes, sir, that is correct.

20              Q       And you took him out at that time. Were  
21       you aware that he had been in your offices just  
22       two days before?

23              A       No, I wasn't.

24              Q       Did you speak at length with Mr. Rainey  
25       over the telephone prior to obtaining the writ for

1 him to be brought to the Homicide Unit?

2 A No, I did not.

3 Q Did you speak with him at all? Was it  
4 you with whom he spoke?

5 A It was I that spoke to him.

6 Q When you brought him down there, your  
7 writ, which is now marked State's exhibit number  
8 one for the motion --

9 A Uh-huh.

10 Q -- indicates that you requested the writ  
11 so that you could question him and that he could  
12 give you answers; isn't that correct?

13 A That is correct, that is called an  
14 interview.

15 Q Well, that is what it says on this form?

16 A That is correct.

17 Q I am not reading it incorrectly. It  
18 says you wanted to question him and you wanted him  
19 to answer your questions; isn't that correct?

20 A That is correct.

21 Q So when you took him down to the  
22 Homicide Unit he was in handcuffs; is that  
23 correct?

24 A That is correct, probably leg irons,  
25 too. I am not sure.



1 Q And, perhaps, other shackles?

2 A Possibly.

3 Q And you took him in your custody or some  
4 other police officer took him in his custody from  
5 the Baltimore City Jail to the Homicide Unit?

6 A That is correct.

7 Q And you placed him in some forum either  
8 with you or some other police officers, but he  
9 certainly wasn't in any sort of public room and he  
10 wasn't free to go?

11 A That is correct.

12 Q Is that correct? Now, at that point why  
13 is it that you did not give to him any of the  
14 basic Marijuana warnings?

15 A Because I didn't need to. I hadn't  
16 questioned him. He was already under arrest.  
17 There was no in custodial interrogation. I wasn't  
18 interrogating him. There was no need until  
19 Detective Requer arrived.

20 Q You certainly intended to interrogate  
21 him because that is what your writ was issued for;  
22 is that correct?

23 A That is correct.

24 Q And you were waiting for Detective  
25 Requer to come in; is that correct?

1           A       That is correct.

2           Q       Now --

3           A       -- or talk to him.

4           Q       I am sorry.

5           A       Or talk to him.

6           Q       For Detective Requer to talk to him?

7           A       For Detective Requer, the case  
8 investigator to contact me prior to me talking to  
9 Mr. Rainey.

10          Q       Okay. So when is it that you are  
11 sitting down with Mr. Rainey or standing with him  
12 or doing something with him that he starts to, as  
13 you say, ramble on?

14          A       He rambled from the time he walked into  
15 the office until the time that he left.

16          Q       Well, did you write this down? Did you  
17 make any notes?

18          A       The only thing I remember him saying is  
19 something that I think I can get the gun. When he  
20 walked into my office, he says I think I can come  
21 up with the gun but I got to be out on the  
22 street. I can't be locked up and get it.

23                 THE COURT: Let me see counsel at the  
24 bench.

25                 (Whereupon, counsel and the Defendant

1       approached the bench and the following conference  
2       ensued:)

3               THE COURT:   Mr. Brave, it is not my  
4       intention to cut anything short, but I have  
5       listened to your examination.   Quite frankly, I am  
6       not, in a case like this, about to run the risk.  
7       There is no question about the custody.   There may  
8       be some question about interrogation.   There is a  
9       real serious question about focus.   I really am  
10      not prepared to let this in your case in chief.

11             MR. BRAVE:   I agree.

12             THE COURT:   So is there any reason for  
13      us to continue this?

14             MR. TAYBACK:   No further questions.

15             MR. BRAVE:   I wouldn't let you let it in  
16      the case in the chief.

17             THE COURT:   Very well, okay.

18             MR. TAYBACK:   That is the same point  
19      that we had before.   Then with respect to June  
20      19th, June 25th, July 19th, and now we have the  
21      date as July 21st, the information given by my  
22      client will not be coming in in the case in chief.

23             MR. BRAVE:   June 19th.

24             MR. TAYBACK:   You said there is nothing  
25      that you are going to use there that includes any

1 of the information that is received including  
2 name, address, girlfriend's name.

3 MR. BRAVE: Okay. I guess under  
4 Mullaney V. State I can't introduce his silence.  
5 I mean, it is all rebuttal.

6 MR. TAYBACK: Okay. I agree with that  
7 then.

8 MR. BRAVE: It was never going to be in  
9 the State's case in chief.

10 MR. TAYBACK: We have cleared that  
11 hurdle. Now, as long as that statement is on the  
12 record, I am finished.

13 THE COURT: All right then, is there any  
14 other matter that we have to deal with regarding  
15 the statements?

16 MR. TAYBACK: Not as to the statements,  
17 no.

18 THE COURT: Is there another pretrial  
19 matter?

20 MR. TAYBACK: The only other point that  
21 I made as a pretrial motion other than the one  
22 that the court has overruled, of course, was that  
23 there is some mention in this case of an  
24 individual being out on parole. I think  
25 inferentially that creates a substantial prejudice

1       against my client.

2               It is certainly not something that could  
3       ever be brought into the State's case in chief  
4       directly. The only way it would ever have been  
5       brought into the case would be if my client  
6       testified and the State attacked his credibility  
7       on his record. So I filed a motion in limine as  
8       to any sort of mention concerning any of his past  
9       record whatsoever that would include any sort of  
10      thing about a person being on parole for murder.

11              MR. BRAVE: I agree completely.

12              THE COURT: All right, so then your  
13      motion in limine will be granted. Is there  
14      anything else?

15              MR. TAYBACK: I am ready for the voir  
16      dire.

17              THE COURT: Okay. Now, what I intend to  
18      do is I am going to bring a pool into the  
19      courtroom in approximately in two or three  
20      minutes. We are going to excuse them to go to  
21      lunch and tell them to come directly back here. I  
22      am prepared to start with them. I am going to say  
23      twenty minutes of two.

24              MR. TAYBACK: Fine. While we are up  
25      here, my client has with him a folder of papers,

1 legal papers, among which are many papers that I  
2 have Xeroxed for him concerning the investigation  
3 in this case. He carries it with him. He has  
4 indicated to me that the jail guards were  
5 concerned about him bringing it back and forth to  
6 court. I ask that the court instruct the  
7 Baltimore City personnel that they can allow him  
8 to bring that packet of materials which is on the  
9 trial bench with him.

10 THE COURT: I don't have any problem  
11 with that.

12 MR. BRAVE: It is strictly a security  
13 matter. Sergeant Lowery told him he had to leave  
14 it up here and at the end of the day bring it back  
15 downstairs.

16 MR. TAYBACK: I assume he wants to  
17 review and look at stuff. I really don't know,  
18 but my client has brought it to my attention.

19 THE COURT: I am willing to do anything  
20 reasonable but --

21 MR. TAYBACK: It is a packet of papers.

22 THE COURT: But I don't want to make  
23 Sergeant Lowery have to go through that packet  
24 every time we go up and down.

25 THE DEFENDANT: They don't go through

1 it.

2 MR. TAYBACK: They don't even go through  
3 it. It is a matter of five seconds and they are  
4 finished with it.

5 THE OFFICER: We told him to leave it up  
6 here.

7 THE COURT: What is the problem?

8 THE OFFICER: Security problem, Your  
9 Honor.

10 THE COURT: I mean that is what I am  
11 saying. What kind of security problem?

12 THE OFFICER: You will have to call  
13 Sergeant Lowery and let him explain it to you.

14 THE COURT: Very well.

15 (Whereupon, counsel returned to the  
16 trial table and proceedings resumed in open  
17 court.)

18 MR. TAYBACK: Pursuant to our discussion  
19 at the bench, I have no further questions of this  
20 witness.

21 THE COURT: All right, the court, since  
22 it is already on the record, has granted your  
23 motion in limine. It has also granted the motion  
24 to suppress as to the State's case in chief the  
25 statements as to Detective Landsman or Sergeant

1       Landsman.   Counsel have already resolved the  
2       matter with respect to the papers.

3               Counsel have already resolved the matter  
4       regarding the statements made to Detective  
5       Requer.   I think it is agreed by Messers. Murphy,  
6       Tayback, and Brave and the court that Detective  
7       Requer did, in fact, have some idea, particularly,  
8       after July 18th that the defendant had some  
9       involvement in this offense and, therefore, there  
10      was clearly a focus after that point that.

11      Indeed, there is no question about custody and  
12      even though an interrogation may have been  
13      somewhat questionable, the court, as indicated by  
14      Mr. Brave, the court clearly concurs that there  
15      would be no point in allowing the State to attempt  
16      in its case in chief to produce statements that  
17      clearly could come within the ambit of Miranda.

18              The court also makes a definitive  
19      finding that as to all of the statements made  
20      under the judicial notion of voluntariness under  
21      cases that go back as far as Davis versus Mississippi  
22      there was, indeed, no coercion, no inducement, no  
23      other force used to overcome the will of the  
24      defendant and in terms of the traditional notions  
25      of voluntariness, the statements the court finds



1 to have been made voluntary under that standard.  
2 So that under Harris and Haws, the State may, if  
3 the defendant testifies in his own behalf, use  
4 those statements in rebuttal. The court stands  
5 recessed until quarter of two.

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8 I further certify that the foregoing  
9 pages numbers one through eighty-seven constitute  
10 the official transcript of proceedings as  
11 transcribed by me to the within typewritten matter  
12 in a complete and accurate manner.

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1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
2  
3 STATE OF MARYLAND

4 INDICTMENT NO. 18626016-17

5 VERSUS

6 REUBEN RAINEY

7 \_\_\_\_\_/ JUNE 29, 1987

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

9 BEFORE:

10 THE HONORABLE ARRIE W. DAVIS, JUDGE  
11 AND A JURY

12 APPEARANCES

13 ON BEHALF OF THE STATE:

14 SAMUEL BRAVE, ESQUIRE  
15 BRYAN MURPHY, ESQUIRE.  
16 ASSISTANT STATE'S ATTORNEY

17 ON BEHALF OF THE DEFENDANT:

18 GORDON TAYBACK, ESQUIRE

19 REPORTED BY:  
20 Rita M. E. Taggart  
21 Official Court Reporter  
22 507 Courthouse West  
23 Baltimore, Maryland 21202  
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P R O C E E D I N G S

June 29th, 1987

MR. BRAVE: I suppose we should wait for Mr. Rainey for me to place this on the record.

THE COURT: Yes. We received a phone call this morning. I don't know the nature of that phone call. I think the person was referred to you. I haven't -- he or she hasn't reached me. Do you know what it was about?

THE LAW CLERK: I believe it had to do with, I believe the question was -- person said something to the effect -- it was someone's boyfriend who said that a lie detector test had been taken and that they have to report today as a witness. I believe.

THE CLERK: Darlene Johnson's boyfriend.

MR. BRAVE: Darlene Johnson's boyfriend?

THE CLERK: I think.

THE LAW CLERK: I think so.

THE COURT: I don't know, this is coming all second hand to me.

(Whereupon the Defendant entered the courtroom.)

THE COURT: Mr. Brave.

1 MR. BRAVE: Thank you, Your Honor. I  
2 just wanted to bring the Court up to date as to  
3 the results of the Darlene Johnson investigation.  
4 You recall I am -- for the record we are on the  
5 case of State versus Reuben Rainey, 18626016 and  
6 17.

7 THE COURT: Go ahead.

8 MR. BRAVE: We had a hearing on, I  
9 believe, on -- was it Thursday or Friday?

10 THE COURT: Thursday.

11 MR. BRAVE: -- Thursday in which Ms.  
12 Johnson was on the stand, Darlene Johnson. She  
13 agreed to submit to a polygraph examination. She  
14 also gave the Court some exemplars of her  
15 handwriting. At the polygraph examination which  
16 was conducted on Friday, I have --

17 I'd like to proffer the polygraph  
18 examiner's report which shows that on every  
19 pertinent question Ms. Johnson indicated  
20 deception. For example, do you know for certain  
21 who wrote and drew the original letters and  
22 sketches that were mailed to Sergeant Landsman and  
23 Detective Hite? No. Deception.

24 Did you write and draw the original  
25 letter and sketch that was xeroxed and mailed to

1 Sergeant Landsman on June 11, 1986? No.

2 Deception.

3 Did you write and draw the original  
4 letter and sketch that was zeroxed and mailed to  
5 Sergeant Landsman and Detective Hite on June 23,  
6 1987? Should be 1986. I assume that is a typo.  
7 No. Deception.

8 Do you know what happened to the  
9 original letters and sketches that were sent to  
10 Sergeant Landsman and Detective Hite? No.  
11 Deception.

12 Did you put the letters and sketches to  
13 the detectives in a mailbox in Prince George's  
14 County? No. Deception.

15 I would offer this as State's Exhibit on  
16 the motion, Your Honor. As to the matter of the  
17 handwriting exemplars, Your Honor, we have a  
18 report from R. J. Verderama, the Baltimore City  
19 Police Department's laboratory division. The  
20 original three letters and envelopes are referred  
21 as Q-1 (A-C). The known writing of Darlene  
22 Johnson on eleven white sheets of paper are  
23 identified as K-1-A and the known writing of  
24 Darlene Johnson on two yellow sheets of paper are  
25 designated as K-1-B.

1           Mr. Verderama, we would proffer, would  
2       tell us what he says in this report, that due to  
3       unexplained variations in the known writing which  
4       could be due in part to disguise, there was not a  
5       basis for identifying Johnson K-1-B as the writer  
6       of the addresses on the envelopes. Q-1-A-C.  
7       However, there are some characteristics present  
8       which prevent her elimination as a suspect in this  
9       matter. Due to the lack of comparable known  
10      writing a comparison was not performed on the  
11      letters.

12           Evidence was returned to the evidence  
13      control section on the 29th of June. I would  
14      offer this as State's Exhibit 2.

15           THE COURT: Did they think to obtain a  
16      driver's license or anything that had already been  
17      written by her? Apparently not.

18           MR. BRAVE: I don't know whether that  
19      occurred to them, Your Honor, or not. I tried to  
20      stay away from Mr. Verderama.

21           THE COURT: Well, gentlemen, it would be  
22      my observation that with respect to any  
23      investigation, and I don't intend to speak for Mr.  
24      Tayback in any respect, but it would seem that  
25      this leaves more doors open than if she had

1 indicated -- if the results had come back no  
2 deception, because what the results indicate is  
3 that she very well may have been the author of  
4 these letters. I don't know where that leaves  
5 us.

6 Mr. Tayback.

7 MR. TAYBACK: Your Honor, I was made  
8 aware of the results as to the polygraph on Friday  
9 and as to the handwriting exemplars this morning  
10 and the Court is aware of my prior requests and I  
11 have no further argument to make in that regard.

12 I feel that the Court has undertaken  
13 that which I have requested previously which was  
14 to have the individual brought to Court, either  
15 voluntarily or otherwise, and have her subjected  
16 to various tests, some scientific, some otherwise  
17 but various tests that we would use to test her  
18 credibility and I am satisfied with that.

19 THE COURT: What would you proffer to be  
20 the normal next step in your investigation now  
21 that we have these results?

22 MR. TAYBACK: I have no -- As I  
23 indicated to Mr. Brave, I have no proffer to make  
24 at the present time as to what would be the next  
25 step to undertake.



1           My thought in mind or, excuse me, my  
2           thought would be that although my mind is not a  
3           hundred percent clear as to her being the writer  
4           of the letters, I think that we have to accept  
5           that which we have to indicate more likely than  
6           not she did write those letters, more likely than  
7           not she would have been the one had that  
8           information and also would have been the person  
9           who would have mailed them from Prince George's  
10          County, which I always thought was very telling,  
11          and further she would have been the one to have  
12          sent a letter to Detective Hite who has no contact  
13          with this case otherwise except for the fact of  
14          his personal relationship with her which was an  
15          ongoing relationship some time either prior to the  
16          writing of the letters or at or about that time.

17                So I am satisfied with the results that  
18          we have at this time.

19                THE COURT: The Court is prepared, at  
20          whatever time counsel indicates, the Court is  
21          prepared to put into operation or implement any  
22          further investigative measures that is within what  
23          the Court feels it is legally permitted to do.

24                I'm not prepared to do anything that I  
25          consider to be extraordinary in terms of the types

1 of things that a Court may do in the system in a  
2 search for the truth in any, in any proceeding.

3 But if counsel will simply advise the  
4 Court as to further measures, I'm prepared to take  
5 them but with Ms. Johnson saying or Ms. Johnson's  
6 results coming back that she is probably lying, I  
7 don't know where else we can go with this.

8 I guess if this were 16th century  
9 England, 15th century England we could resort to  
10 torture but that is not the case.

11 MR. TAYBACK: We could do that anyhow if  
12 you want, Judge. No, I indicated I'm satisfied,  
13 Your Honor. I think the Court has done that which  
14 I requested.

15 Further, Your Honor, I would indicate  
16 that on Thursday evening for at least several  
17 hours, I think it was actually about four hours or  
18 so, I did have the opportunity to go down to  
19 homicide and check out all the evidence and all  
20 the materials that they had in their files  
21 including finding one or two things that I was  
22 unaware before and I am satisfied that I now have  
23 total discovery in this case as well.

24 So, I'm satisfied that that which I  
25 requested of the Court as extraordinary relief in

1       this case has been done for me and for my client.

2               I would indicate one thing  
3       preliminarily, that would be with respect to  
4       picking of a jury. I'd ask that the Court would  
5       consider as to the articles that have appeared.  
6       On Friday, for example, there was another article  
7       or two articles that did appear concerning the  
8       case indicating the hung jury and the reason for  
9       the hung jury. So there has been substantial  
10      publicity about the matter.

11              I would ask that the Court consider  
12      having an individual voir dire as to that one  
13      question rather than simply asking the group en  
14      masse whether they have read anything concerning  
15      the case.

16              I also would indicate to the Court that  
17      I heard on the radio WLIH, which is a Baltimore  
18      radio station, on Thursday afternoon and Thursday  
19      evening a report concerning the case.

20              THE COURT: I think we can accomplish  
21      the same thing by asking the whole panel regarding  
22      newspaper articles and then voir dire them  
23      individually. I don't think counsel is suggesting  
24      that we voir dire each juror individually.

25              MR. TAYBACK: As to the one, yes. Yes,

1 I am, Your Honor.

2 THE COURT: You are talking about us  
3 bringing in sixty people individually.

4 MR. TAYBACK: As to --

5 THE COURT: I can ask this question  
6 simply, whether or not you have read any newspaper  
7 articles regarding this case. If ten respond,  
8 those are the ten we need to deal with.

9 MR. TAYBACK: Your Honor, if you are not  
10 going to do it individually, the problem I see  
11 with that is there could be encouragement among  
12 the others, for example, to go out and then read  
13 the articles, knowing full well that we are asking  
14 them a specific question about the case if they  
15 became members of the panel.

16 Number two, if the Court is going to ask  
17 the question in that regard, it would seem to me  
18 that the person may or may not remember the  
19 particulars of the case at the time because,  
20 remember, they haven't been involved in the case  
21 as we have. However, at a later point they might  
22 then remember as we get into the particulars of  
23 the case when they are members of the jury that,  
24 yes, they have read those articles.

25 That's the reason I'm asking for the

1 individual voir dire, so we can ask specific  
2 pointed questions of them, then ask or order them  
3 not to inform the others.

4 THE COURT: What specific question are  
5 you referring to?

6 MR. TAYBACK: Referring specifically to  
7 newspaper articles of the time frame of late last  
8 week and also any radio reports of late last week  
9 and bringing their attention to those.

10 If the Court will do that in the overall  
11 voir dire, I certainly agree with that as being  
12 appropriate also, but the Court must be very clear  
13 in its cautionary instruction that anybody who has  
14 not read those should not discuss them with  
15 anybody who has, number one; and, number two,  
16 absolutely duty bound they must not go to last  
17 week's newspapers and look at those articles.

18 THE COURT: Given the history of this  
19 case, I'm prepared to do that obviously, but I  
20 don't see any reason why I can't pin them down  
21 because once we pin them down, once we get the  
22 jurors that we feel are going to sit or that are  
23 going to sit on this case, at that point in time  
24 I'm ready to read the riot act to them.

25 MR. TAYBACK: My concern was, I suppose,

1       that fifteen out of sixteen of the jurors and  
2       alternates had read the article which might say  
3       something about the Sun papers.

4               THE COURT:   That was because the article  
5       was up there in the room.

6               MR. TAYBACK:   Well, that's true also.

7               THE COURT:   I mean, they were sitting up  
8       there.

9               MR. TAYBACK:   There's no way I can argue  
10       against it.   I don't know how the article was  
11       introduced in the room, whether one of the jurors  
12       or someone else brought it up.   I'm just rather  
13       concerned about it being so widely read for some  
14       reason.

15              THE COURT:   I'm saying with respect to  
16       that particular jury, they were sitting up there  
17       reading it and, quite frankly, I believe that  
18       there was a possible conspiracy brewing because  
19       the jury foreman said that he knew nothing about  
20       the article and then when I asked the question, I  
21       noticed that a couple of the jurors on the back  
22       row began to smile as though somebody had been  
23       caught with his hands in the cookie jar.

24              MR. TAYBACK:   Since that time there have  
25       been two additional articles.

1           THE COURT: I'm prepared to take extreme  
2 measures not, not to have to go through this  
3 again. We will take a brief recess until we get a  
4 panel.

5           (Whereupon the Court recessed, following  
6 which the proceedings in this matter resumed:)

7           THE COURT: Swear the jury.

8           (Whereupon, the jury panel was sworn for  
9 voir dire questioning.)

10          THE CLERK: Thank you. You may be  
11 seated.

12          THE COURT: Good morning, ladies and  
13 gentlemen.

14          Good morning, ladies and gentlemen.

15          THE JURY: Good morning.

16          THE COURT: I'm glad to see we are all  
17 in high spirits first thing on Monday morning. My  
18 name is Arrie W. Davis and I am the presiding  
19 Judge in Part 7 of the Circuit Court for Baltimore  
20 City.

21          The case now under consideration is the  
22 State of Maryland versus Reuben Rainey. Mr.  
23 Rainey is charged with the double murders of  
24 Deborah Veney and Glenita Johnson and related  
25 handgun violations which occurred on or about June

1 the 2nd, 1986, at 4711 Navarro Road which is  
2 located in Baltimore City.

3 Mr. Rainey has entered a plea of not  
4 guilty and has elected to be tried by a jury. You  
5 have heard the charge made in the indictment or  
6 charges made in the indictments against the  
7 Defendant. Do any of you know anything about this  
8 case either through your own personal knowledge or  
9 by discussion with anyone else or have you heard  
10 or read about the case in any of the news media?

11 All right, ladies and gentlemen, by way  
12 of further description, many of the persons  
13 involved in this case are either residents of New  
14 York City or have some connection with New York  
15 City, and I'm asking you more specifically, have  
16 any of you heard or read about the case in any of  
17 the newspapers in the past week or so or have any  
18 of you heard or read about it or rather heard  
19 about the case on any of the local television or  
20 radio stations? The Court notes no response.

21 The indictment is not to be considered  
22 as evidence but is a mere formal charge against  
23 the Defendant and you must not consider it as  
24 evidence of his guilt or be influenced by the fact  
25 that the indictment has been filed or assume guilt



1 simply because charges have been filed against the  
2 Defendant and he is being prosecuted in these  
3 proceedings.

4 This part of the case is known as the  
5 voir dire examination. A voir dire examination is  
6 for the purpose of determining if your decision in  
7 this case would in any way be influenced by  
8 opinions which you now hold or by some personal  
9 experience or special knowledge which you may have  
10 concerning the subject matter to be tried. The  
11 object is to obtain twelve persons who will  
12 impartially try the issues of this case upon the  
13 evidence presented in this courtroom without being  
14 influenced by any other factors.

15 Please understand that this questioning  
16 is not for the purpose of prying into your affairs  
17 for personal reasons but is only for the purpose  
18 of obtaining an impartial jury.

19 Each side has a certain number of  
20 pre-emptory challenges by which I mean each side  
21 can challenge you and ask that you be excused  
22 without giving a reason for doing so. In  
23 addition, each side has challenges for cause by  
24 which I mean that each side can ask that you be  
25 excused for a specific reason.

1           If you are excused by either side,  
2     please do not feel offended or feel that your  
3     honesty or integrity is being questioned. It is  
4     not. This procedure is simply designed to assure  
5     that the Defendant and the State receive a fair  
6     trial.

7           I shall now read to you a list of  
8     questions. If your answer to any of the questions  
9     is in the affirmative, please stand, then there  
10    will be follow up questions which will be asked of  
11    you.

12           The Defendant in this case, Mr. Reuben  
13    Rainey, please stand and face the array. Are any  
14    of you related by blood or marriage to Mr. Rainey  
15    or do you know him from any business, professional  
16    or social relationship? The Court notes no  
17    response.

18           Counsel for Mr. Rainey is Mr. Gordon  
19    Tayback. Are any of you related by blood or  
20    marriage to Mr. Tayback or do you know him from  
21    any business professional or social relationship?  
22    The Court notes no response.

23           Counsel for the state of Maryland is Mr.  
24    Samuel Marvin brave. Are any of you related by  
25    blood or marriage to him or do you know him from

1 any business, professional or social  
2 relationship? Again, the Court notes no  
3 response.

4 Co-counsel for the State of Maryland is  
5 Mr. Bryan Murphy. Are any of you related by blood  
6 or marriage to him or do you know him from any  
7 business, professional or social relationship? No  
8 response.

9 Is there any member of the array who has  
10 ever sat on a jury before? Please stand. Sir,  
11 your number please?

12 THE JUROR: 156.

13 THE COURT: You may be seated. Ma'am,  
14 your number?

15 THE JUROR: 134.

16 THE COURT: You are Ms. Turnage?

17 THE JUROR: Yes.

18 THE COURT: You may be seated. Sir?

19 THE JUROR: 145. It was Court  
20 Marshals.

21 THE COURT: All right. Mr. Steinmeier,  
22 you may be seated. Yes, sir?

23 THE JUROR: 071.

24 THE COURT: Ms. Gregory. You may be  
25 seated. Ma'am?

1 THE JUROR: 142.

2 THE COURT: You may be seated. Sir?

3 THE JUROR: 75.

4 THE COURT: You may be seated.

5 Ladies and gentlemen, some of the  
6 witnesses who will be produced to testify in this  
7 case on behalf of the State have worked out a plea  
8 agreement or plea arrangements with the State of  
9 Maryland in order for the State to secure their  
10 testimony in this trial.

11 Is there anyone who would have any  
12 difficulty assessing or evaluating the credibility  
13 of these witnesses and following the Court's  
14 instructions with respect to motive or bias with  
15 respect to a witness who is testifying pursuant to  
16 a plea agreement as with any other witness as the  
17 Court will instruct you?

18 Is there anyone who would have any  
19 difficulty doing that? The Court notes no  
20 response.

21 Ladies and gentlemen, the following are  
22 the names of potential witnesses in this case.  
23 I'd ask that you, if you know any of these  
24 witnesses in any capacity whatsoever, please stand  
25 and give your juror number.

1                    Nellie Chew, 11 North Dukeland Street?  
2                    Joanne Blunt, 3613 Howard Park Avenue? Edward  
3                    Cooper, 133 East Clark Place, Bronx, New York?  
4                    Robert Robinson, 47 West 175th Street, Apartment  
5                    1-A, Bronx, New York? Leepoleon Jackson, 356 West  
6                    121st Street, Manhattan, New York? Linda Godbolt,  
7                    356 West 125th Street Manhattan, New York?  
8                    Jeanette Brown, 3705 Brice Run Road, Randalstown,  
9                    Maryland? Arthur Kelly, 3816 Fernhill Avenue?  
10                   Alton Wilson, 4418 Belvieu Avenue? Deborah  
11                   Pearson, 5305 Belleville Avenue? David Saunders,  
12                   4505 Groveland Avenue? Irene Saunders, 4505  
13                   Groveland Avenue? Yvette Hayes, 4505 Groveland  
14                   Avenue?

15                   Investigator John Capers, Jr., District  
16                   Attorney's Office, 155 Leonard Street, New York  
17                   City, New York? Investigator Gordon Gaines,  
18                   District Attorney's Office, 155 Leonard Street,  
19                   New York, New York? Detective Sergeant Charles  
20                   Summers, New York Police Department, 1 Police  
21                   Plaza, New York City, New York?

22                   Detective Ron Antoci, New York Police  
23                   Department, 1 Police Plaza, New York City, New  
24                   York? Detective Robert Cotter, New York Police  
25                   Department, 1 Police Plaza, New York City, New

1 York? Sergeant Jay Landsman, Criminal  
2 Investigation Division, Homicide, Baltimore City  
3 Police Department? Sergeant J. Barrick, Criminal  
4 Investigation Division, Homicide, Baltimore City  
5 Police Department? Detective Gary Dunnigan,  
6 Criminal Investigation Division, Homicide,  
7 Baltimore City Police Department? Detective Oscar  
8 Requer, Criminal Investigation Division, Homicide,  
9 Baltimore City Police Department?

10 Detective Richard Fahlteich, Criminal  
11 Investigation Division, Homicide, Baltimore City  
12 Police Department? Detective William Lansey,  
13 Criminal Investigation Division, Homicide,  
14 Baltimore City Police Department? Detective  
15 Gerald Goldstein, Criminal Investigation Division,  
16 Homicide, Baltimore City Police Department?

17 Officer Howard Roop, Northwestern  
18 District, Baltimore City Police Department?  
19 Officer John Berrybower, Northwestern District,  
20 Baltimore City Police Department? Officer Francis  
21 Edwards, Northwestern District, Baltimore City  
22 Police Department? Officer Barbara Chandler,  
23 Northwestern District, Baltimore City Police  
24 Department?

25 Luther McClair or rather Officer Luther

1 McClair, Northwestern District, Baltimore City  
2 Police Department? Officer James Hicks,  
3 Northwestern District, Baltimore City Police  
4 Department?

5 Edward Green, Baltimore City Police  
6 Department, Crime Laboratory? Joseph Kopera,  
7 Baltimore City Police Department, Firearms  
8 Division? Dr. William Zane, Medical Examiner's  
9 Office, 11 Penn Street?

10 Leroy Boyce, 430 West 125th Street,  
11 Apartment 15-H, New York City, New York? Robert  
12 Hurley, Baltimore City Police Department,  
13 Chemistry Laboratory? Robert Purvis, Baltimore  
14 City Police Department, Latent Print Section?  
15 Linwood Bruce, 3004 Poplar Terrace?

16 Sal Bianca, Baltimore City Police  
17 Department, Crime Laboratory? J. French,  
18 Baltimore City Police Department, Crime  
19 Laboratory? Karen Gotleib, 103 West 122nd Street,  
20 New York City, New York? Thomasine Johnson, 3107  
21 Mohawk Avenue? Karen Veney, 4600 block of  
22 Greenmount Avenue? Robin Robinson, 3600  
23 Greenmount Avenue? Denise Coleman, 3816 Garrison  
24 Avenue? And Nancy Ryan, Assistant District  
25 Attorney, New York City, New York?

1 Deborah Blunt, 3613 Howard Park Avenue?  
2 Denise Coleman, Manchester Avenue? Delores  
3 Speaks, Arrow Cab Company, 6115 Reisterstown  
4 Road? And I have already called off Linwood  
5 Bruce, Arrow Cab Company but the new address here  
6 is 6115 Reisterstown Road?

7 Is there anyone who knows any of those  
8 witnesses in any capacity whatsoever?

9 All right, ma'am, would you please  
10 stand. What is your number first?

11 THE JUROR: 143.

12 THE CLERK: Excuse me, ma'am?

13 THE COURT: 143. You are Ms. Sewell?

14 THE JUROR: Yes.

15 THE COURT: Which witness do you know?

16 THE JUROR: I know Gary Dunnigan.

17 THE COURT: All right, you may be seated  
18 right now, ma'am.

19 Is there any member of the array who  
20 knows of any reason whatsoever as to why you would  
21 be unable to sit on the jury in this case and  
22 render a fair and impartial verdict based solely  
23 on the evidence in the case?

24 All right, will those people please  
25 stand. Ma'am, on the front row here, your number?



1 THE JUROR: 84.  
2 THE COURT: Ms. Suter?  
3 THE JUROR: Uh-huh.  
4 THE COURT: You may be seated. Yes,  
5 sir?  
6 THE JUROR: 135.  
7 THE COURT: Mr. Haller?  
8 THE JUROR: Yes.  
9 THE COURT: You may be seated. Yes,  
10 ma'am?  
11 THE JUROR: 97.  
12 THE COURT: 97, Ms. Zaske?  
13 THE JUROR: Yes.  
14 THE COURT: Sir, your number?  
15 THE JUROR: 163.  
16 THE COURT: Mr. Gibson?  
17 THE JUROR: Correct.  
18 THE COURT: Is there any member of the  
19 array who has ever been engaged in law enforcement  
20 work including the Sheriff's Office, State's  
21 Attorney's Office, U.S. District Attorney's  
22 Office, Attorney General's Office, Federal Bureau  
23 of Investigation, Maryland State Police,  
24 Correctional Guard, or Military Police?  
25 All right, your number please, ma'am?

1 THE JUROR: 153.

2 THE COURT: 153. You are Ms. Cooper and  
3 you are presently a correctional officer at what  
4 facility?

5 THE JUROR: MRDCC, penitentiary. And I  
6 think I know him.

7 THE COURT: You think you know --

8 THE JUROR: Seen him.

9 THE COURT: All right, very well. Be  
10 seated for right now. Is there any member of the  
11 array who has a relative including only the  
12 following categories, mother, father, sister,  
13 brother, son, daughter or spouse who works for law  
14 enforcement?

15 All right, ma'am, your number again?

16 THE JUROR: 143.

17 THE COURT: Your husband works for?

18 THE JUROR: The Baltimore City Police  
19 Department.

20 THE COURT: Would that prevent you from  
21 rendering a fair and impartial verdict?

22 THE JUROR: No.

23 THE COURT: Thank you.

24 THE COURT: Ma'am, would you please  
25 stand?

1 THE JUROR: 84.

2 THE COURT: 84. What relative?

3 THE JUROR: My husband is a Baltimore  
4 City Police Officer.

5 THE COURT: Pardon?

6 THE JUROR: My husband is a Baltimore  
7 City Police Officer.

8 THE COURT: Would that prevent you from  
9 rendering a fair and impartial verdict?

10 THE JUROR: Yes, it would.

11 THE COURT: You may be seated. Is there  
12 any member of the array who would be more inclined  
13 or less inclined to believe the testimony of a  
14 police officer solely by virtue of his position as  
15 a police officer as opposed to any of the  
16 witnesses in the case? All right, the Court notes  
17 no response.

18 Ladies and gentlemen, the next question  
19 that I am about to ask will be asked in three  
20 parts. Do not respond until I have asked all  
21 three parts of the question.

22 Is there any member of the array who has  
23 ever been convicted of a serious crime, and I am  
24 not including in this minor traffic violations or  
25 matters which are not serious. I'm not even

1 including things such as home improvement --  
2 rather, violations of the housing code or minor  
3 violations. We are only talking about serious  
4 offenses.

5 Is there any member of the array who has  
6 a spouse, mother, father, son, daughter, sister or  
7 brother who has ever been convicted of a serious  
8 crime and, finally, is there any member of the  
9 array or his or her immediate family including  
10 mother, father, son, daughter, sister or brother  
11 who has ever been the victim of a serious crime?

12 If that applies to you, please stand.  
13 Those people standing, please come over and be  
14 seated in the jury box.

15 Counsel, approach the bench.

16 (Whereupon, counsel and the Defendant  
17 approached the bench and the following conference  
18 ensued:)

19 THE COURT: Will the following people  
20 also come forward: Number 97, 16 3, 135, 143,  
21 153.

22 MR. TAYBACK: 84 also, Your Honor. She  
23 indicated she couldn't sit on the jury, couldn't  
24 be fair.

25 THE COURT: Well, no. I don't want her

1       because I have already pretty much disqualified  
2       her. Counsel, I think there should be agreement,  
3       Number 84 already indicated that because of her  
4       husband's position as a police officer she can't  
5       be fair and impartial. It would seem that she is  
6       going to have to be disqualified.

7               MR. BRAVE: Could we ask her just a  
8       couple of follow up questions?

9               THE COURT: All right. Number 84 as  
10      well. Ma'am, you want to come forward.

11              THE CLERK: 56.

12              THE COURT: Miss Michael's, how does the  
13      question apply to you?

14              THE JUROR: Well, I had a brother  
15      convicted of a crime.

16              THE COURT: What crime was that?

17              THE JUROR: Kind of armed robbery I  
18      believe. He was kind of in on it.

19              THE COURT: How old is he now?

20              THE JUROR: Now he's 34.

21              THE COURT: He's younger than you are?

22              THE JUROR: One year, yes.

23              THE COURT: And did he receive a  
24      sentence in that case?

25              THE JUROR: He did.

1 THE COURT: What was the sentence?

2 THE JUROR: I believe he received three

3 years. This is a ways, a little ways back.

4 THE COURT: You feel he was treated

5 fairly in that case?

6 THE JUROR: Not compared to the other

7 people involved.

8 THE COURT: All right. And so you don't

9 feel he was treated fairly?

10 THE JUROR: No.

11 THE COURT: Do you blame the police in

12 the case?

13 THE JUROR: No.

14 THE COURT: Blame the prosecutor?

15 THE JUROR: No.

16 THE COURT: Blame the Judge?

17 THE JUROR: In a way I do. I am sorry.

18 THE COURT: The question then is whether

19 or not based on the feelings you have about how

20 your brother was treated, would you be able to sit

21 on the jury trial in this case and listen to the

22 evidence presented by both sides and make a

23 decision pursuant to the Court's instructions,

24 based only on the evidence and the law produced?

25 THE JUROR: I believe that I could.

1 THE COURT: Thank you.  
2 THE CLERK: 112.  
3 THE COURT: You are Mr. McClendon?  
4 THE JUROR: Yes.  
5 THE COURT: How does the question apply  
6 to you?  
7 THE JUROR: I have two sons that were  
8 incarcerated. One is presently incarcerated at  
9 Hagerstown.  
10 THE COURT: What for?  
11 THE JUROR: Armed robbery.  
12 THE COURT: How old are they?  
13 THE JUROR: 32 and one is 34.  
14 THE COURT: Do you feel that both of  
15 them were treated fairly in their cases?  
16 THE JUROR: Yes.  
17 THE COURT: Did you attend the trials in  
18 both of them.  
19 THE JUROR: Yes.  
20 THE COURT: Did they plead guilty or  
21 were they tried?  
22 THE JUROR: Guilty.  
23 THE COURT: They pleaded guilty?  
24 THE JUROR: Yes.  
25 THE COURT: You haven't -- hold nothing

1       against the State or the prosecutor or the police,  
2       the Judge or anyone?

3               THE JUROR:   No.

4               THE COURT:   The question would be  
5       whether or not what's happened to your sons would  
6       in any way interfere with your ability to be fair  
7       and impartial?

8               THE JUROR:   It wouldn't.

9               THE COURT:   It would not.   You could be  
10      fair?

11              THE JUROR:   I think so.

12              THE COURT:   Thank you very much, sir.

13              THE CLERK:   135.

14              THE COURT:   Mr. Haller, you had  
15      indicated you cannot sit in this case?

16              THE JUROR:   Well, you asked if I've been  
17      the victim of crime.   I have been mugged twice,  
18      once in Baltimore City, once in New York City.   My  
19      house was been buglarized once.

20              THE COURT:   Was a gun used in the  
21      muggings?

22              THE JUROR:   One of them, yes; one of  
23      them, no.   One was by knife.

24              THE COURT:   Deadly weapon used or deadly  
25      weapon was used in both but a gun only used in



1       one?

2               THE JUROR:   Right.

3               THE COURT:   You are an attorney?

4               THE JUROR:   Yes.

5               THE COURT:   Where do you practice?

6               THE JUROR:   Baltimore City, with the

7       Office of Goldstein and Share.

8               THE COURT:   My question is whether or

9       not your experience in having been robbed on two

10       occasions and burglary would in any way interfere

11       with your ability to be fair and impartial?

12              THE JUROR:   I have to say it would.

13              THE COURT:   It would?

14              THE JUROR:   Yes.

15              MR. BRAVE:   May I ask the Court to ask a

16       question?

17              THE COURT:   Yes.

18              THE JUROR:   Just, I'm very skittish.

19       I'm very nervous downtown from the experience.  I

20       know that most times there's an arrest that it is

21       the true person that is arrested.

22              THE COURT:   Are you a criminal lawyer?

23              THE JUROR:   No.  But, I mean, they do

24       give you criminal instruction also.

25              THE COURT:   Are you trying to tell me

1       that you couldn't follow my instructions as to how  
2       to evaluate the evidence and what burden the State  
3       must shoulder in order to return a guilty verdict?  
4               THE JUROR:   I would try, Your Honor.  
5               THE COURT:   Are you saying you can't do  
6       it though?  
7               Isn't that what you just said?  
8               THE JUROR:   Yes.  
9               THE COURT:   That you can't do it?  
10              THE JUROR:   That's -- I -- that's what I  
11       believe.  
12              THE COURT:   That you can't do it?  
13              THE JUROR:   Yes.  
14              THE COURT:   Any other questions?  
15              MR. BRAVE:   None, Your Honor.  
16              THE COURT:   Thank you.  
17              THE CLERK:   97.  
18              MR. BRAVE:   Motion.  
19              THE COURT:   Granted.  
20              THE COURT:   Number 97.  
21              THE JUROR:   Yes, sir.  
22              THE COURT:   Mrs. Zaske, does the  
23       question victim of a crime apply?  
24              THE JUROR:   No.  
25              THE COURT:   You said you can't sit, what

1 was the reason?

2 THE JUROR: I don't know if this is the  
3 time to say it or not but I am going to -- if it  
4 is an extended amount time, it's an undue hardship  
5 on me because I'm a single entrepreneur who has  
6 just started a business and single owner of,  
7 single head of household with two children and if  
8 I go beyond three days, I will be in dire straits.

9 THE COURT: What kind of business are  
10 you in?

11 THE JUROR: Management training, sales.

12 THE COURT: Are you saying that if you  
13 go beyond three days it's a hardship?

14 THE JUROR: Three days.

15 THE COURT: How many people are  
16 involved?

17 THE JUROR: Just myself. It's just me.

18 THE COURT: What kind of management  
19 training is this?

20 THE JUROR: It's a franchise.

21 THE COURT: And what do you do?

22 THE JUROR: Every day I go out and make  
23 presentations to owners of businesses and run  
24 courses on Monday evenings but making the money is  
25 in the presenting. And I can do it -- I know I

1       can take off a few days but if I go beyond that I  
2       have not money for the next month.

3               THE COURT:   You say a few days, I mean,  
4       are you talking about a week?

5               THE JUROR:   Well, they had told me the  
6       average stay was three days so I blocked out that  
7       time but I think if I go beyond that I'm going to  
8       be in real trouble.

9               THE COURT:   Are you saying if you go  
10      beyond a week you would be in real trouble?

11              THE JUROR:   Yes.   I could handle a week.

12              THE COURT:   Any questions?

13              MR. TAYBACK:   No.

14              MR. BRAVE:    I have no questions.

15              THE COURT:    Okay, thank you very much,  
16      ma'am.

17              THE CLERK:    163.

18              THE COURT:    Before we --

19              THE CLERK:    One second, sir.

20              THE COURT:    Counsel, is there any  
21      particular feeling about Ms. Zaske?

22              MR. BRAVE:    Your Honor, I feel that a  
23      hardship is relative.   I feel that everyone is  
24      going to experience some hardship.   I don't see  
25      anything paramount about hardship that the lady

1 has indicated, Ms. Zaske. If we start excusing  
2 her we are going to wind up excusing a third of  
3 the panel.

4 THE COURT: Mr. Tayback.

5 MR. TAYBACK: Well, Your Honor, I agree  
6 and disagree. Agree with Mr. Brave that hardships  
7 are relative and her hardship would seem to me is  
8 considerably different than others. She's  
9 indicated she just started her business. She's  
10 the sole employee or sole source of income.

11 I would suggest to the Court that the  
12 Court follow what I thought was very reasonable  
13 suggestion on the last panel we had, that was that  
14 put people such as Mrs. Zaske or others who may or  
15 may not fall into a similar position at the end so  
16 that if we need them we have them.

17 We are already two short, as I  
18 understand it, but, on the other hand, it leaves  
19 her to the position that more likely than not we  
20 will not get around to her. The only other thing  
21 I can say is if we finish with her early enough  
22 she probably will be able to go back and sit on  
23 another panel where she would only serve several  
24 days and fulfill her duties.

25 THE COURT: I specifically pinned her

1 down about a week because I gleaned from my  
2 questioning of her that she could stay for a  
3 week.

4 MR. TAYBACK: Yes, I agree, that's  
5 exactly what she said at the end. The three days  
6 is the period she suggested at first. The week  
7 she felt she could sit in that period of time.

8 So that's my suggestion. I think if you  
9 put her to the end as you did before, it makes a  
10 lot of sense. I'm not asking that you strike her  
11 because I think we might need her.

12 THE COURT: I'm going to hold off on  
13 making a ruling on that until we go through the  
14 rest of these.

15 THE CLERK: Sir, you can step up. 163.

16 THE COURT: Mr. Gibson, were you the  
17 victim of a crime or someone convicted of a crime?

18 THE JUROR: (Indicating negatively.) I  
19 just don't believe in nothing like that. I say  
20 guilty, guilty before they start and everything.  
21 I don't believe in --

22 THE COURT: You think anyone that has  
23 been charged with a crime is guilty?

24 THE JUROR: No.

25 THE COURT: You are saying no?

1                   THE JUROR: I mean, I know of no  
2 relatives or nothing but I just don't believe in  
3 that stuff.

4                   THE COURT: In what?

5                   THE JUROR: Crime and stuff. I just  
6 don't like --

7                   THE COURT: Are you trying to tell me  
8 that you believe that everyone who has been  
9 charged with a crime is guilty of that crime?

10                  THE JUROR: Yes.

11                  THE COURT: You don't feel that there is  
12 any point in going through a trial?

13                  THE JUROR: No.

14                  THE COURT: But they are guilty  
15 automatically?

16                  THE JUROR: Yes.

17                  THE COURT: Any questions?

18                  MR. BRAVE: No.

19                  THE COURT: You can go back to your  
20 seat, sir.

21                  THE CLERK: 145.

22                  THE COURT: I'll sua sponte strike him.

23                  THE CLERK: 143.

24                  THE COURT: 143. You are Ms. Sewell?

25                  THE JUROR: Yes.

1                   THE COURT:   You know Gary Dunnigan.   I  
2   assume you know Gary Dunnigan through your  
3   husband?

4                   THE JUROR:   Police Department, yes, he  
5   worked with my husband.

6                   THE COURT:   Social friends?

7                   THE JUROR:   Yes.

8                   THE COURT:   Is Detective Dunnigan going  
9   to be called?

10                  MR. BRAVE:   No, Your Honor.   We weren't  
11   planning to.

12                  THE COURT:   If Detective Dunnigan is not  
13   called as a witness, would that in any way affect  
14   your ability to or would there be a Gary Dunnigan  
15   to sway your feelings one way or the other?

16                  THE JUROR:   No, sir.

17                  THE COURT:   It would not impact in any  
18   way upon your -- upon the way that you would view  
19   the evidence and the way you would vote in this  
20   case?

21                  THE JUROR:   No, sir.

22                  THE COURT:   Does your husband ever talk  
23   about cases when he comes home?

24                  THE JUROR:   Yes, sir.

25                  THE COURT:   Where is he?



1                   THE JUROR:   He works for the Eastern  
2                   District.   He's a regular police officer.

3                   THE COURT:   Would any of these  
4                   discussions in any way interfere with your ability  
5                   to be fair and impartial?

6                   THE JUROR:   No, sir.

7                   THE COURT:   You would be able to listen  
8                   to the evidence presented by both sides and return  
9                   an impartial verdict?

10                  THE JUROR:   Yes.

11                  THE COURT:   Thank you, ma'am.

12                  THE CLERK:   153.

13                  THE COURT:   How are you today, Ms.  
14                  Cooper?   You work for MRDCC?

15                  THE JUROR:   Yes.

16                  THE COURT:   I wanted to cut you off  
17                  before you went too far with your explanation.

18                  THE JUROR:   Yeah, I --

19                  THE COURT:   I think you said you know  
20                  the Defendant?

21                  THE JUROR:   I've seen him.

22                  THE COURT:   Over at the Reception  
23                  Center?

24                  THE JUROR:   MRDCC.

25                  THE COURT:   Would that in any way

1       interfere with your ability --

2               THE JUROR:   Of course it will.

3               THE COURT:   It would affect you?

4               THE JUROR:   Yes.

5               MR. BRAVE:   Mr. Rainey has never been at

6       the Reception Center.

7               THE JUROR:   He's in the penitentiary.

8       Maybe it's my mistake.   Looks very familiar.   I

9       don't think it's from the street.

10              THE COURT:   He's never been there.

11              THE JUROR:   Okay.

12              THE COURT:   The question then is whether

13       or not based on your mistaken identity apparently,

14       whether that would in any way interfere with your

15       ability to be fair and impartial?

16              THE JUROR:   No.

17              THE COURT:   It would not.   You could be

18       fair and impartial?

19              THE JUROR:   He looks very familiar.

20              THE COURT:   All right.   Thank you very

21       much, ma'am.

22              THE JUROR:   We all look alike.

23              THE COURT:   Off the record.

24              (Discussion off the record.)

25              THE COURT:   Could you step aside for the

1 moment please?

2 I think the record should reflect that  
3 the juror who kiddingly said to Mr. Brave, we all  
4 look alike, was a black woman.

5 MR. BRAVE: Yes.

6 THE COURT: You are number?

7 THE JUROR: 84.

8 THE LAW CLERK: Excuse me, you have two  
9 jurors in the panel raising their hand out there.

10 THE COURT: About what?

11 THE LAW CLERK: I don't know. You want  
12 me go see what they want?

13 THE COURT: Yes.

14 Now, you already indicated that you  
15 don't think that you can be fair and impartial  
16 because your husband is a police officer?

17 THE JUROR: Yes, sir.

18 THE COURT: What does that have to do  
19 with your listening to the trial?

20 THE JUROR: I have been around policemen  
21 since I was 13. My husband's whole family was  
22 police. All our friends are police. And I would  
23 be inclined to believe a police officer first.

24 THE COURT: Well, in this particular  
25 case, there may be -- there will be police

1 officers who are called to testify but the  
2 critical issues, you will have to make a  
3 determination as to the credibility of other  
4 witnesses other than police officers.

5 You still feel that the fact that you  
6 are so involved with police officers might  
7 interfere with your ability to be fair?

8 THE JUROR: Yes, I would.

9 THE COURT: I see no reason to go any  
10 further, Mr. Brave.

11 MR. BRAVE: No. She has made her  
12 statement.

13 THE COURT: Thank you very much.

14 THE CLERK: Judge, we have two more that  
15 responded.

16 Juror Number 144.

17 MR. TAYBACK: With respect to 84 I think  
18 we have to make a motion and I would submit.

19 THE COURT: Motion is granted.

20 THE CLERK: Step up in the middle,  
21 ma'am.

22 MR. BRAVE: What number, ma'am?

23 THE CLERK: 144.

24 THE COURT: Ms. Hannon?

25 THE JUROR: Yes, sir. My brother was

1       incarcerated three times for assault.

2               THE COURT:   For assault?

3               THE JUROR:   Yes, sir.

4               THE COURT:   Does he have a drinking

5       problem?

6               THE JUROR:   Yes, sir.

7               THE COURT:   And you feel that he was

8       treated fairly by the authorities?

9               THE JUROR:   Right.  Yeah, I, I think so.

10              THE COURT:   Would you be able to sit and

11       listen to the evidence in this case and render a

12       fair verdict that is based only on the evidence in

13       this case?

14              THE JUROR:   No, I don't think so.

15              THE COURT:   You couldn't render -- you

16       couldn't be fair?

17              THE JUROR:   I don't think that my

18       education, and the lawyers, they use big words and

19       all, and I could not very well understand them.  I

20       don't have such great education too.  I couldn't

21       understand all the big words they use when they

22       are talking.

23              THE COURT:   That is the only reason you

24       feel you couldn't be fair?

25              THE JUROR:   Yes.

1 THE COURT: You don't feel you would  
2 understand what was going on?

3 THE JUROR: No, not really, in their  
4 language.

5 MR. BRAVE: You understand what is going  
6 on right now?

7 THE JUROR: Yes.

8 MR. BRAVE: You understand the Judge's  
9 question?

10 THE JUROR: Yes.

11 MR. BRAVE: If we -- do you understand  
12 me now?

13 THE JUROR: Yeah.

14 MR. BRAVE: I'm not using big words, am  
15 I?

16 THE JUROR: Yes.

17 MR. BRAVE: If I kept not using big  
18 words, would you follow me?

19 THE JUROR: Sure. Okay.

20 MR. TAYBACK: Let me ask you a  
21 question. If the Judge were to explain to you  
22 some law and he were to explain technical details  
23 of the law to you that you would have to apply to  
24 the facts, do you believe you could do that?

25 THE JUROR: No, I don't think so.

1           MR. TAYBACK: If the Judge explained to  
2           you what the elements of first degree murder were  
3           or second degree murder, manslaughter, Judge  
4           explained to you beyond a reasonable doubt?

5           THE JUROR: No.

6           MR. TAYBACK: My question was do you  
7           believe you could understand the law as the Judge  
8           would instruct you and apply that?

9           THE JUROR: Not really.

10          MR. BRAVE: May I, Your Honor? Ma'am,  
11          do you understand what it means to, means to do  
12          something.

13          THE JUROR: Yes, I know.

14          MR. BRAVE: Do you understand what it  
15          means to decide to do something?

16          THE JUROR: Certainly.

17          MR. BRAVE: Do you understand when it  
18          says the decision to do something comes before the  
19          act?

20          THE JUROR: Right.

21          MR. BRAVE: Okay. You think you have  
22          any trouble with those words?

23          THE JUROR: I don't know. You both got  
24          me in the middle.

25          THE COURT: Well, let me. That means

1       you would have an open mind then?

2               THE JUROR:   Yeah.

3               So I'll try.   That's all I can say.

4               THE COURT:   All right, thank you, ma'am.

5               THE JUROR:   Okay.

6               THE COURT:   That's the only reason that

7       you --

8               THE JUROR:   Yes, sir.

9               THE COURT:   Have her go back.

10              THE CLERK:   Ma'am, you can have a seat

11       back in the audience.

12              MR. TAYBACK:   I'd make a motion to

13       excuse.

14              THE COURT:   What basis?

15              No bias there.   Doesn't feel she has the

16       intelligence.   I don't know that that has ever

17       been a reason to disqualify anyone.   Okay.

18              THE CLERK:   83.

19              THE COURT:   How are you, Ms. Mather?

20              THE JUROR:   Pretty good.   I don't think

21       I could serve.

22              THE COURT:   Why?

23              THE JUROR:   Because I have been attacked

24       by the color three times.

25              THE COURT:   By what?



1           THE JUROR: By the colored people on my  
2 way to work and I have become very prejudiced and  
3 I don't think I should because it hurts.

4           THE COURT: Well, ma'am, --

5           THE JUROR: I don't -- I would come out  
6 with guilty because I have had three attacks.

7           THE COURT: Suppose the evidence weren't  
8 there?

9           THE JUROR: Sir?

10          THE COURT: Suppose the evidence was not  
11 there, you would find someone guilty anyway?

12          THE JUROR: I have never had -- I've  
13 never had the attack by white people. It would be  
14 a different story. I have never been attacked by  
15 white people.

16          THE COURT: You are not answering my  
17 question, ma'am. Suppose the evidence weren't  
18 there?

19          THE JUROR: I don't think I could answer  
20 that.

21          THE COURT: So, in other words, you  
22 would send a guilty man to jail? I mean, an  
23 innocent man to jail?

24          THE JUROR: Nobody went to jail when  
25 they thought about me.

1                   THE COURT: I'm asking you a direct  
2 question now.

3                   THE JUROR: I can't answer that question  
4 because I wouldn't know what to answer.

5                   THE COURT: I'm saying if the evidence  
6 were not presented, weren't a sufficient amount of  
7 evidence, you would nevertheless still vote  
8 guilty?

9                   THE JUROR: I couldn't answer that  
10 question.

11                  THE COURT: All right. Thank you very  
12 much, ma'am. Motion?

13                  MR. BRAVE: Yes.

14                  THE COURT: Granted. All right, I'm  
15 ready to start picking a jury.

16                  MR. TAYBACK: I would ask that the Court  
17 give an additional instruction, that would be  
18 based on the gratuitous comments of Juror Number  
19 153, which the Court did cut off quickly,  
20 nonetheless, I think the rest of the jurors may or  
21 may not have --

22                  MR. BRAVE: What number?

23                  THE COURT: 153.

24                  MR. TAYBACK: The rest of the jurors may  
25 or may not think that my client has ever been

1       incarcerated previously in the State of Maryland  
2       and it is not true. I'm not quite sure how to  
3       phrase the question for the Court to ask the  
4       jury. I don't want to get into the matter of past  
5       record and otherwise but think that right away  
6       because I heard, when she said that she was  
7       sitting in the first row, I heard somebody on the  
8       side of the first row go into a humph type noise.  
9       So I think at least some people believe he has a  
10      past record, has been incarcerated either in the  
11      Maryland Reception Diagnostic Classification  
12      Center or the Maryland Penitentiary, both places  
13      where Mrs. Cooper worked. So I'd ask that the  
14      Court would ask additional questions of the jury  
15      and would phrase it specifically indicating that  
16      Juror Number 153 who is a correctional officer at  
17      the Maryland Reception Diagnostic Classification  
18      Center and previously at the Maryland Pen thought  
19      that she had recognized Mr. Rainey.

20               Mr. Rainey has never been incarcerated  
21      at those facilities and she, therefore, did not  
22      recognize him. Would that influence you -- would  
23      her comments, her prior comments influence you in  
24      any way to believe that Mr. Rainey is guilty or  
25      not guilty or that you could not give to him a

1 fair trial.

2 MR. BRAVE: Well, certainly not in that  
3 language. If the Court wants to consider  
4 informing the jury that Ms. Cooper indicated that  
5 the Defendant looked familiar to her and turns out  
6 she was incorrect, and just leave it at that,  
7 fine, but to go ahead and make a statement that  
8 he's never been incarcerated is not only untrue  
9 but --

10 MR. TAYBACK: No, no. Just a minute. I  
11 didn't. If you recall what I said, is that he's  
12 not been incarcerated previously in the State of  
13 Maryland. That is true.

14 MR. BRAVE: That's assuming that this  
15 jury understands that Ms. Cooper, the Maryland,  
16 MRDCC, that this jury understands what that means,  
17 that that is the Diagnostic Center.

18 THE COURT: I'm prepared to tell the  
19 jury, to keep things clean, just to tell them that  
20 Ms. Cooper was wrong, it was a case of mistaken  
21 identity and she has never seen this man before.

22 MR. BRAVE: That will be fine.

23 MR. TAYBACK: Your Honor, I further  
24 indicate to the Court with respect to the question  
25 that the Court had asked and to which there was no

1 response elicited, that has to do with prior  
2 publicity or prior knowledge of the case, no one  
3 answered at all which was a little bit  
4 surprising. For example, Juror Number 104 is a  
5 reporter and we don't --

6 THE COURT: We can deal with 104.

7 MR. TAYBACK: We don't know for which  
8 newspaper or magazine or otherwise he works but it  
9 is hard to believe under the circumstances that no  
10 one knew it.

11 THE COURT: Mr. Fairhall, will you  
12 approach the bench please?

13 THE COURT: Sir, for whom are you a  
14 reporter?

15 THE JUROR: The Evening Sun, Your  
16 Honor.

17 THE COURT: And you have no knowledge  
18 whatsoever about this case?

19 THE JUROR: I was embarassed to report  
20 that I rarely read crime stories. Work in our  
21 Washington office. Crime of a different sort,  
22 Congress.

23 THE COURT: That explains it.

24 Let me say for the record, when I ask  
25 the question I specifically and very intently bore

1 in and looked around the panel to see the  
2 responses. The panel appeared to pick up the fact  
3 that I was very interested in getting a response  
4 to that question. I did see myself at least three  
5 or four members of the panel begin to shake their  
6 heads in the negative in response to what I think  
7 they perceived to be my very deliberate intention  
8 to elicit a response to that question.

9 I think that the thing that was unique  
10 about what the situation we had before was that by  
11 some means that newspaper article found its way up  
12 to the jury room, that they, in fact, read an  
13 article up in the jury room and but for the fact  
14 that this article found its way into the jury room  
15 it may well be that the fifteen out of sixteen  
16 jurors in the last panel we selected in all  
17 probability would not have seen the article  
18 either.

19 I think that all participants in this  
20 case feel that more attention has been directed to  
21 the case than really has been. In any event, I'm  
22 prepared to go ahead with jury selection. The  
23 Court will at the appropriate time admonish this  
24 jury to not in any way follow any newspaper  
25 accounts or any other media accounts of this

1 trial, and to advise the Court if at such point in  
2 time as they have been infected by information  
3 outside this courtroom.

4 MR. BRAVE: Your Honor, could you also  
5 order both counsel, all counsel not to talk to  
6 reporters.

7 THE COURT: I'll order my law clerk not  
8 to talk to the reporter as well.

9 MR. BRAVE: Included?

10 THE COURT: Including the law clerk,  
11 right.

12 MR. TAYBACK: He's the only one who gets  
13 sidebar quotes.

14 One other thing, are you going to give  
15 that additional requested voir dire as to it being  
16 a situation of mistaken impression by the lady?

17 THE COURT: Yes, I am.

18 MR. TAYBACK: The other matter was  
19 Juror Number 97.

20 THE COURT: Just leave it as it is. All  
21 right.

22 (Whereupon, counsel returned to the  
23 trial table and proceedings resumed in open  
24 court.)

25 THE COURT: All right, ladies and

1 gentlemen, one matter before we begin jury  
2 selection. Number 153, Ms. Cooper, a member of  
3 the panel had stood up and said that she worked  
4 for MRDCC, and that she thought that the Defendant  
5 looked familiar. Upon further questioning at the  
6 bench, we find out Ms. Cooper was mistaken. She  
7 does not know the Defendant. She has never seen  
8 the Defendant before and was an error in what she  
9 believed to be her recognition of the Defendant.

10 All right, will the following people  
11 please report back to the jury assembly room:  
12 Number 135, Charles Haller; Number 163, John  
13 Gibson; Number 83, Violet Mather; Number 84 Rose  
14 Suter.

15 Ladies and gentlemen, as I call your  
16 names, please begin lining up at the vertical  
17 brass rail fronting the jury box closest to you  
18 leaving all of the jury box clear. The line  
19 should proceed back toward the courtroom door,  
20 then curl around the rear of the courtroom when  
21 you reach the rear of the courtroom.

22 If you are struck by one of the  
23 attorneys, in other words, if you are excused,  
24 please go back to the jury assembly room. If you  
25 are seated by the attorneys and then excused



1       afterward, the number which will be called off  
2       when you are excused is the number of the seat in  
3       which you are sitting, not your juror number.  
4       Therefore, the seats are numbered beginning with  
5       the front seat closest to me, seat number one,  
6       beside that is two, then three, four, five and six  
7       is the last seat on the front row closest to you.  
8       Coming back to the rear row the seat closest to me  
9       is number seven, beside that is eight, nine, ten,  
10      eleven, and the twelfth seat on the rear row  
11      fartherest from me. Will the following people  
12      please line up and please try to stay in order.

13                   (Whereupon, Jury selection began.)

14                   JUROR 100:   Could I say something?  
15      Could I ask a question of the Judge?

16                   THE CLERK:   Judge.

17                   MR. TAYBACK:   Approach the bench?

18                   THE CLERK:   Ma'am, come up.

19                   (Whereupon, counsel and the Defendant  
20      approached the bench and the following conference  
21      ensued:))?

22                   THE JUROR:   Do you know how long this  
23      trial is set for?

24                   THE COURT:   The best estimate may be as  
25      short as a week and maybe longer.

1                   THE JUROR:   Okay.   The situation --  
2   maybe I should have said something sooner but I  
3   didn't know.   I'm a lawyer and my schedule next  
4   week is not good.   I have some depositions that I  
5   don't know if they can be changed because the  
6   trials are coming up very quickly and I think I  
7   might have a problem serving on an extended, on a  
8   long trial.

9                   THE COURT:   Well, ma'am, I understand  
10   your problem but everyone has a problem.   It's a  
11   matter of degree.   Had another person that raised  
12   a similar type situation, condition, refused to  
13   excuse her.   I have to be consistent in this.

14                  THE JUROR:   Right.

15                  MR. TAYBACK:   May I ask a couple of  
16   questions?   For whom do you work?

17                  THE JUROR:   Howard, Downs and Trace.

18                  MR. TAYBACK:   Civil attorney?

19                  THE JUROR:   Yes.

20                  MR. TAYBACK:   I'll take care of your  
21   problem.   Watch this.

22                  (Whereupon, counsel returned to the  
23   trial table and the jury selection resumed in open  
24   court.)

25                  MR. BRAVE:   You skipped a page.

1 THE CLERK: Judge did.  
2 MR. BRAVE: Skipping a page.  
3 THE COURT: That's correct. Will the  
4 following people please line up.  
5 (Whereupon, jury selection continued.)  
6 JUROR NUMBER 122: May I make a  
7 statement also?  
8 THE CLERK: Excuse me, ma'am?  
9 JUROR NUMBER 122: May I make a  
10 statement to the Judge?  
11 THE CLERK: One second.  
12 (Whereupon, counsel and the Defendant  
13 approached the bench and the following conference  
14 ensued:)  
15 JUROR NUMBER 122: All here. I'm not  
16 against lengthy trials but I'm leaving town for  
17 five days and the air fare is unrefundable. I'm  
18 afraid I wouldn't be a fair judge if I were  
19 worried about the loss of three hundred dollars.  
20 I just wanted you all to know that.  
21 THE COURT: Okay. You want to go back  
22 and just stand in line.  
23 JUROR NUMBER 122: Thank you.  
24 MR. TAYBACK: Make a motion for her to  
25 be excused, Your Honor.

1 THE COURT: State joins in?

2 MR. BRAVE: I guess so.

3 THE COURT: All right. That's Juror  
4 Number 122.

5 (Whereupon, counsel returned to the  
6 trial table and jury selection resumed in open  
7 court.)

8 (Whereupon, twelve jurors and four  
9 alternates were impanelled.)

10 THE COURT: Will the remaining jurors  
11 report back to the jury assembly room and thank  
12 you for being available.

13 THE COURT: Ladies and gentlemen, if you  
14 will just bear with me one moment. All right, Mr.  
15 McClendon, I'm going to ask that you change places  
16 with Ms. Burford.

17 All right, ladies and gentlemen, by  
18 virtue of the change that the Court has just made,  
19 Mr. McClendon, you are hereby designated as the  
20 foreperson of this jury.

21 Ma'am Clerk, would you swear the jury?

22 MR. BRAVE: Excuse me, your Honor, may  
23 we approach the bench briefly?

24 THE COURT: Yes.

25 (Whereupon, counsel and the Defendant

1       approached the bench and the following conference  
2       ensued:)

3               MR. MURPHY:   You are aware from last  
4       week our first witness, Harry Roop, is not  
5       available until tomorrow.

6               THE COURT:   I thought you said it  
7       wouldn't be any problem if he were like the second  
8       witness or third witness.

9               MR. MURPHY:   No, I don't think we said  
10      that.   We didn't mean it if we did.   He's out of  
11      town till tomorrow.   He's coming back to work at 8  
12      to 4 tomorrow.

13              THE COURT:   So you are asking that I not  
14      swear --

15              MR. MURPHY:   Not swear -- I mean, I  
16      expect him to be back here but given the history  
17      of this case -- he's flying in on his own plane  
18      from New York.

19              THE COURT:   So you are suggesting that  
20      we just not get anything done the rest of the  
21      afternoon?

22              MR. MURPHY:   To be safe, yes, that's  
23      what I'm suggesting.   We will have a contingent of  
24      witnesses here tomorrow ready to roll, rather than  
25      -- God forbid --

1 THE COURT: I was hoping we could at  
2 least get opening statements in today.

3 MR. TAYBACK: On behalf of the Defendant  
4 the State had made me aware of their thoughts in  
5 that regard and I indicated to them I did not  
6 object and I had no problems concurring with that  
7 given the nature of the case.

8 THE COURT: I will defer swearing the  
9 jury but I do have an objection. My objection is  
10 that given the nature of this case, I'm just as  
11 much concerned about delays as I am the fact that  
12 swearing the jury may leave us with a situation  
13 where the Court would be hard pressed to find  
14 manifest necessity. So, I'm concerned on both  
15 ends. We have got -- we are right in the middle  
16 of summer season and all kinds of things happen.  
17 I've got four alternates but that doesn't mean  
18 anything either, so I have my concerns as well.

19 I'll tell the jury to come back tomorrow  
20 morning.

21 (Whereupon, counsel returned to the  
22 trial table and proceedings resumed in open  
23 court.)

24 THE COURT: Ladies and gentlemen, a  
25 couple of things. First of all, because of

1 scheduling we are going to excuse you now for the  
2 balance of the day and ask that you report  
3 tomorrow morning.

4 Please listen very carefully to what I  
5 have to say now. I am going to ask each and every  
6 one of you not to under any circumstances read any  
7 newspaper articles that have anything at all to do  
8 with this case. I don't know how I can make it  
9 more emphatic than that. I know it is -- it may  
10 be difficult but if you happen very fortuitously  
11 to open up a paper and if you see the word Rainey  
12 or Reuben or if you see the words Brave or Samuel  
13 or Marvin Brave or if you hear or see the word  
14 Bryan Murphy or if you see my name or if you see  
15 Mr. Tayback's name, and don't see anything else,  
16 I'm asking you to close the paper up and don't  
17 read any more.

18 That may or may not be easy for you to  
19 do but I'm ordering you not to read anything that  
20 has got anything to do with this trial. It is  
21 important that jurors in a jury trial make their  
22 decision based solely on the evidence that is  
23 presented in this courtroom and we don't want you  
24 to be in any way infected by any information that  
25 you might obtain elsewhere.

1 I will secondly ask that you under no  
2 circumstances conduct any independent  
3 investigations, meaning don't go to Navarro Road  
4 to see what you can see there. Do not in any way  
5 try to obtain any information from any other  
6 source other than the evidence that is presented  
7 here in this courtroom by the attorneys in the  
8 case.

9 I would lastly ask that you not under  
10 any circumstances let anyone approach you and try  
11 to talk to you about this case or to try in any  
12 way to influence you about this case and that  
13 includes newspaper reporters or anyone else that  
14 is connected with this trial.

15 If you in any way are approached by  
16 anyone or if there is any violation or infraction  
17 of any of the rules I have just enunciated, I  
18 would ask that you report that to the Court Clerk  
19 who is seated right here in front of me and she  
20 will in turn report the infraction to me. I will  
21 deal with it accordingly but I will repeat, please  
22 do not read any newspaper accounts. If you happen  
23 to have a radio on and you hear the newscaster say  
24 something about the trial of Reuben Rainey, click  
25 the program off immediately. Do not listen to



1 anything or read anything about this case. We ask  
2 your indulgence and your cooperation in that  
3 regard.

4 When you come to be paid tomorrow at  
5 9:15, let them know you are in a continued jury  
6 trial. They will let you go to the front of the  
7 line and I will ask that you report to this  
8 courtroom by 9:30 tomorrow morning. All right,  
9 you are excused now for the balance of the day.

10 (Whereupon, the jury was excused from  
11 the courtroom, after which the following  
12 proceedings ensued:)

13 MR. TAYBACK: Your Honor, the only  
14 matters that could be addressed by the Court today  
15 as opposed to tomorrow, again I would want to  
16 argue further and one of these days I might  
17 actually win on the point with respect to  
18 inflammatory nature of the photographs and then,  
19 secondly, just for the record, because I think the  
20 last time out Mr. Brave and I both agreed we  
21 wanted to sequester the witnesses but we never  
22 actually did it. I would make the motion for  
23 sequestration right now so that we have no --

24 MR. BRAVE: Join in that.

25 THE COURT: That's fine. With respect

1 to your argument about the photographs, I will --

2 MR. TAYBACK: Remember I made it in the  
3 first case, Your Honor.

4 THE COURT: I understand that but if you  
5 want me to reserve it I'll simply say for the  
6 record that I recognize and acknowledge that the  
7 photographs are probably some of the worst  
8 photographs that I have seen over period of  
9 nineteen years but notwithstanding that, I find  
10 when I weighed the probative value as opposed to  
11 the inflammatory nature there is much testimony  
12 regarding Maggie and the damage that a 357 Magnum  
13 does and to that extent, and to the extent that it  
14 is corroborative of the testimony of the  
15 Defendant's boasting about the killing afterward,  
16 I would have to deny your request to exclude the  
17 photographs.

18 MR. BRAVE: Your Honor, one other  
19 thing. In Mr. Tayback's most recent opening  
20 statement, I believe he slipped a little bit over  
21 the edge in telling the jury the last time that  
22 the State knew that they had the wrong man. I  
23 would ask the Court to admonish Mr. Tayback to cut  
24 back a little on that language.

25 THE COURT: Mr. Brave, you are not

1 asking me to admonish him to cut back, you are  
2 asking me to tell him not to say it.

3 MR. BRAVE: That's right.

4 THE COURT: Mr. Tayback, don't say that  
5 in your next opening statement.

6 MR. TAYBACK: I already told Mr. Brave,  
7 Your Honor, I've thought of something else to say.

8 MR. BRAVE: Thank you, Your Honor.

9 (Whereupon the proceedings were  
10 recessed.)

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REPORTER'S CERTIFICATE

I, Rita M. E. Taggart, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that I recorded stenographically the proceedings in the matter of STATE versus REUBEN RAINEY on JULY 29, 1987.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have hereunto subscribed my name this 18th day of September, 1987.

  
Rita M. E. Taggart  
Official Court Reporter

1 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
2  
3 STATE OF MARYLAND

4 INDICTMENT NO. 18626016-17

5 VERSUS

6 REUBEN RAINEY

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/ JUNE 30, 1987

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE ARRIE W. DAVIS, JUDGE  
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

SAMEUL BRAVE, ESQUIRE  
BRIAN MURPHY, ESQUIRE  
ASSISTANT STATE'S ATTORNEYS

ON BEHALF OF THE DEFENDANT:

GORDON TAYBACK, ESQUIRE

REPORTED BY:  
Rita M. E. Taggart  
Official Court Reporter  
507 Courthouse West  
Baltimore, Maryland 21202

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P R O C E E D I N G S

June 30, 1987

THE COURT: Mr. Brave.

MR. BRAVE: This is, I suppose, a motion in limine, most of it is old ground that we have already covered. When I brought the subject up the first time you agreed with me and your ruling seemed to sustain that initial decision on your part when I first brought it up.

THE COURT: Go ahead.

MR. BRAVE: It was a recent notion of mine and I hadn't really -- when I first brought this up, Your Honor, and you agreed with me the first time, it was a recent notion of mine and I really hadn't had a chance to think it out as thoroughly as I think I now have and I'd like to set the matter before the Court again.

It concerns Detective Requer's testimony. We intend, as the last time, to bring him on as the principal investigating officer of the case and have him describe in direct examination his observations at the crime scene and say thank you very much.

Now, as the principal investigating officer I can see that it is relevant on cross

1 examination to elicit the fact that a charge was  
2 eventually placed against this Defendant. It is  
3 relevant if Mr. Tayback wishes to plunge forward  
4 to ask Detective Requer why he placed those  
5 charges. It is relevant on the path to that  
6 placing of the charges, it is relevant to ask  
7 Detective Requer did you have a conversation with  
8 a Thomasina Johnson. The subject matter of that  
9 conversation is strictly hearsay and should not be  
10 admitted. That is neither relevant nor  
11 admissible.

12 Whether as a result of that conversation  
13 Detective Requer had suspicion or a hunch or a  
14 working theory is totally irrelevant. Totally  
15 irrelevant.

16 Who he talked to afterwards, what he did  
17 afterwards is relevant. Whether it is based on a  
18 suspicion or a working hunch or not is totally  
19 irrelevant.

20 I'm asking Mr. Tayback not to ask one of  
21 these labored hybrid questions, isn't it a fact,  
22 for example, that you had an occasion to talk to  
23 Thomasina Johnson and as a result you then  
24 suspected an individual by the name of Lee with a  
25 Jamaican accent. That goes too far.

1 I ask that Mr. Tayback be asked not to  
2 ask that kind of question. If he wants to ask did  
3 he talk to Thomasina Johnson, fine. What she said  
4 is irrelevant. What the detective thought at that  
5 point is irrelevant. What the detective  
6 eventually did, namely, place a charge, of course,  
7 is relevant. If he wants to get into why he did  
8 that, fine.

9 I think that is how I would ask the  
10 Court to, if it agrees with the State, to say so  
11 and make the appropriate ruling based on that.

12 THE COURT: Mr. Tayback.

13 MR. TAYBACK: Your Honor, may it please  
14 the Court, I have no objection to the Court ruling  
15 that hearsay is inadmissible unless it comes in  
16 through one of the designated exceptions, however,  
17 I think that the Court should allow the  
18 appropriate latitude otherwise which is allowed by  
19 law and that is if I were to ask the detective did  
20 there come a time when you had a suspect in the  
21 case soon after the events occurred on June 2,  
22 1986, I think the detective, without indicating  
23 why the particular individual has come to his  
24 attention or by whose words or what other action  
25 he has taken, can indicate to the jury, yes, the



1 suspect was an individual by the name of Lee who  
2 spoke with what sounded like a Jamaican accent.

3 Your Honor, I think we can proceed on  
4 that basis. I'm not asking that the actual  
5 hearsay from Thomasina Johnson or anybody else  
6 come into the case unless it is properly allowed  
7 in through an exception or if the State opens the  
8 door in some fashion. But I do believe that the  
9 working scenario of the investigation is allowable  
10 evidence in the case. The basis on which the  
11 detective proceeded is allowed. It is for the  
12 jury to consider as part of the evidence in the  
13 matter.

14 MR. BRAVE: Well, by way of response,  
15 Your Honor, assuming Mr. Tayback is correct, that  
16 giving as much latitude as possible, that it is  
17 relevant, that there was a suspect in the case, it  
18 seems to me that I can come back on redirect and  
19 say, was that backed up by any evidence at that  
20 point, and the answer should be no, and that's the  
21 end of the matter.

22 THE COURT: All right, gentlemen, I'm  
23 not going to -- I'll hold any ruling on a motion  
24 in limine in abeyance and I am going to simply  
25 rule on the objections as they are made. I would

1 ask counsel to stay away from hearsay unless they  
2 can enunciate a clearly definable exception to the  
3 hearsay rule.

4 Let's bring the jury down.

5 (Whereupon, 10:50 a.m. the jury entered  
6 the courtroom, after which the following  
7 proceedings ensued:)

8 THE COURT: Good morning, ladies and  
9 gentlemen.

10 THE JURY: Good morning.

11 THE COURT: Would you swear the jury  
12 please?

13 (Whereupon the jury panel was sworn to  
14 hear the case.)

15 THE CLERK: State satisfied that its  
16 witnesses have been sequestered?

17 MR. BRAVE: We are satisfied.

18 THE CLERK: Defense satisfied?

19 MR. TAYBACK: Yes.

20 THE COURT: Ladies and gentlemen, on  
21 yesterday you were excused before we took care of  
22 any of the housekeeping matters. I did, however,  
23 as I recollect, take care of the matter of  
24 appointing a jury foreperson. That person being  
25 Mr. McClendon.

1           Mr. McClendon, as I have indicated to  
2     you, your position is one of great prestige and  
3     honor but no extra compensation and I will have a  
4     lot more to say about your duties at the  
5     conclusion of all the evidence in this case.

6           Ladies and gentlemen, for the benefit of  
7     those who have never sat on a criminal jury trial  
8     before, momentarily, counsel for the State of  
9     Maryland will approach you and present what is  
10    known as opening statement. The opening statement  
11    by the attorneys or the attorney for the State is  
12    not evidence in this case and you may not make  
13    your decision as to whether the Defendant is  
14    guilty or not guilty based on what the lawyers  
15    tell you in this case.

16          Counsel for the Defendant may also, if  
17    he chooses, present an opening statement and that  
18    statement also is not evidence in the case, and  
19    you may not make your decision as to innocence or  
20    guilt based on what he tells you.

21          You must rely solely and exclusively  
22    upon the evidence that is presented in the case  
23    and that evidence follows the opening statements.

24          It is comprised of the testimony from  
25    the witness stand, any exhibits which are

1 introduced into evidence, any stipulations or, in  
2 other words, agreements between the lawyers in the  
3 case as to the existence of certain facts, thereby  
4 making it unnecessary to prove those facts. This  
5 comprises the evidence in the case and this is  
6 what you must rely upon in arriving at your  
7 verdict.

8 There may also be demonstrative evidence  
9 in the form of charts or graphs or matters of that  
10 kind.

11 After the evidence has been presented to  
12 you, I will explain the law which is applicable to  
13 this case and that will be followed by the closing  
14 arguments of the lawyers which, again, are not  
15 evidence in the case but merely the attempts of  
16 counsel to highlight that evidence which they feel  
17 supports their respective positions.

18 Thereafter you will be allowed to retire  
19 to the jury room to begin your deliberations and  
20 arrive at a verdict. Without any further delay,  
21 I'd ask counsel to approach the jury box and  
22 present opening statement.

23 MR. BRAVE: Thank you, Your Honor. May  
24 it please the Court, Mr. Foreman, members of the  
25 jury, Mr. and Ms. Alternates, I want to welcome

1     you to your service as jurors here in the Clarence  
2     M. Mitchell Jr. Courthouse.

3             Each of you, I'm sure, is undergoing  
4     some personal inconvenience by being called upon  
5     to serve as jurors. To some of you it might even  
6     involve considerable personal sacrifice. We are  
7     aware of that. I'd like you to keep in mind,  
8     however, that nothing that is really worthwhile  
9     comes without its cost. When the founders of this  
10    country some two hundred years ago got together  
11    and decided who is going to really decide when the  
12    rules apply and how they should apply, let's not  
13    any longer trust kings and the rulers, let's put  
14    those decisions in the hands of the people and the  
15    jury trial system is a reflection of that aim back  
16    there two hundred years ago. Not only is it an  
17    important right but, as I say, it doesn't come  
18    without its cost. So please bear that in mind as  
19    the days become more and more and you are sitting  
20    here taken from your personal lives.

21            Now, those of us who walk the halls of  
22    this courthouse day in and day out forget the  
23    state that we arrived in this courthouse in years  
24    back. We forget how back then when we first  
25    started off without a working knowledge of how a

1 real courthouse works, we forget how our notions  
2 came mostly from TV. Many people whose lives take  
3 you out into other areas and who fortunately,  
4 believe me, don't have contact with a real  
5 courthouse, still get their notions from TV. If  
6 you go back to my generation, we were weaned on  
7 the Perry Masons. Today it is the Matlocks. The  
8 scenario is the same in both. The defense  
9 attorney, the champion of justice, is left with  
10 the job of unwrangling an investigation that the  
11 police have bungled. Every week they bungle it.  
12 They charge the wrong person, the guilty person is  
13 out there around the edge of the circle somewhere  
14 and it is the defense attorney through his  
15 investigator, through his cunning and sharpness  
16 who sets things right and prevents a miscarriage  
17 of justice. It's entertainment, it is geared to  
18 selling cars and beer and whatever.

19 This is a real courthouse, ladies and  
20 gentlemen, a real courthouse.

21 Not only, not only is this not  
22 entertainment, ladies and gentlemen, sometimes it  
23 is downright boring. What after all can be or  
24 will be entertaining about listening to the  
25 details where that man right there with a 357

1     Magnum in his hand is telling a woman to move  
2     faster, I'm going to count to three, you better do  
3     what I say and do it now -- one, two, three, a  
4     little slower, and listening to the details of how  
5     -- with the same emotional involvement as you and  
6     I would have when you go up to a newsstand or  
7     something and say, here, here's a quarter, let me  
8     have the paper -- proceeds to blow the top half of  
9     a woman's skull off. What could be entertaining?

10           What is going to be entertaining about  
11     hearing that as her body falls down the steps, he  
12     turns to another woman who is sitting in a chair  
13     and with the same emotional involvement as you and  
14     I would have in selecting a can off the shelves of  
15     the supermarket, say, sorry, baby, I can't leave  
16     any witnesses, boom, right into the top of the  
17     head. This is not going to be entertainment.  
18     This is not TV.

19           Then there is going to be these constant  
20     trips to the bench. That's the boring part. You  
21     are going to be sitting here hoping that we are  
22     going to be away up at that bench for two seconds  
23     and it goes on and on, what on earth are we  
24     talking about up there.

25           Let me explain that those bench

1 conferences are going to come as a result of  
2 either Mr. Tayback or Mr. Murphy or I entering an  
3 objection. None of us, none of us, ladies and  
4 gentlemen, want to try this case again. We want  
5 to make sure everybody's purpose in this today and  
6 until the end of this trial is to make sure, make  
7 damn sure that man receives a fair trial. Three  
8 years from now, if the transcript reveals that  
9 something happened which was not right, no one  
10 wants to try to put this case together again.

11 Now is the time to do it, now is the  
12 time to do it right. In order to do it right, we  
13 got to make sure that we are right smack in the  
14 middle of that path marked fair trial.

15 What are we talking about up there? I  
16 mean, Your Honor, look what he's trying to do. To  
17 do that now is not the time to do it, if he wants  
18 to do it, this is the time to do it. When he does  
19 it at this point, the proper time, then I can come  
20 in and bring the whole picture before the jury,  
21 that's the way to do it. That's the way the rules  
22 are set up. Don't let him do it now, that's the  
23 kind of discussions that are going on up there.  
24 If the person who is making that objection is  
25 right, the objection will be sustained. If it is



1       wrong or if the Judge doesn't agree, overruled.

2               Don't think we are trying to hide  
3       anything from you. While we are on the subject of  
4       hiding things from you, again, this is a real  
5       courtroom. In a real trial that is about to  
6       unfold, in order for the Defendant to receive a  
7       fair trial, there are no, like on Perry Mason or  
8       Matlock, there is no surprise witness who is going  
9       to come walking through that door at the end that  
10      is going to change the whole picture. In a real  
11      trial the duty, the duty of a prosecutor is to  
12      take all the facts that the investigators have  
13      gotten together, all of them, put them all  
14      together in a container, in a real trial, and say,  
15      Mr. Defense Attorney, this is what we have got,  
16      you know what we know.

17               It is true that the State bears the  
18      burden of going forward. The Defendant sits here  
19      clothed in innocence at this moment. The man is  
20      not guilty until the State proves him guilty  
21      beyond a reasonable doubt. He doesn't have to do  
22      a thing. He can sit there and pick at the State's  
23      case and come up to you and say the State has  
24      failed miserably, they ought to be ashamed of what  
25      they brought before you. Don't even give a

1 thought to the fact that no defense was raised.  
2 We don't have to do that. You, the State, have to  
3 do it. That is fair. Don't worry, we will do  
4 it.

5 Question is, the contents of this box,  
6 the State then in its job as the representative of  
7 the State's Attorney in Baltimore City, as the  
8 representative of the people, we go into that box,  
9 we hold up each item, we say, oh, yeah,  
10 definitely, the jury should know about that.  
11 Uh-huh, yes, absolutely. Well, it will take two  
12 and a half days to explore all the ramifications  
13 of this, and then once it is explored, what do you  
14 have? Back in the box.

15 Does that mean that that is the end of  
16 it? No. Defense attorney picks up that piece and  
17 says, doesn't mean anything, huh, says you State.  
18 Watch what we do with this.

19 Now, the Defendant does not have to do a  
20 thing. There is a big difference between not  
21 having to do anything and not, if you want to, to  
22 do something with it. It is a big difference.  
23 They don't have to do a thing, but nothing keeps  
24 them from doing whatever they want to do with any  
25 piece that is in that box. So, if you hear the

1 cry down the road at some point, why didn't the  
2 State do this, or this, or this, remember that  
3 box, remember that box. He doesn't have to do  
4 anything with anything that is, that is in that  
5 box but if the State didn't do anything with it,  
6 nothing prevents him from doing something with it  
7 if he wants to. Please keep that in mind  
8 throughout this trial.

9 Let me talk about inconsistencies.  
10 Inconsistencies is a fancy word for one person  
11 says one thing, one person, you know, doesn't  
12 remember it or says something else. Keep in mind  
13 there are certain facts which for want of a better  
14 term are core facts. They are right there solidly  
15 in the middle, in the center of things. There are  
16 other facts which, like little satellites and  
17 moons, are around the core.

18 Let me give you an example. A family is  
19 out on a drive one Sunday afternoon. They are  
20 having a great time, enjoying the spring, summer  
21 air. They are driving along this road and they  
22 are coming to a railroad crossing, they stop, the  
23 father puts his foot on the gas and they start  
24 across the railroad and it stalls right in the  
25 middle of the tracks. They look up and down,

1     thank God nothing is coming, they all scramble  
2     out, up goes the hood, all the experts start  
3     looking at the carburetor, the fan belt, the  
4     distributor cap, the this and the that, why isn't  
5     this car moving.

6             While everybody is gathered around  
7     pocking around under the hood, all of a sudden  
8     there is a sound from the distance of a train  
9     whistle and it is getting closer. Well, you can  
10    imagine the pandemonium that takes place during  
11    the next minute or so. Fortunately, everybody is  
12    sensible and they move out of the way before the  
13    diesel locomotive plows into the car and after the  
14    total car is hit, everybody gets together and  
15    starts describing what happened.

16            Now, it seems to me it would be  
17    important, it would be a core fact that if one  
18    member of that car says it was a diesel  
19    locomotive, it was coming down the tracks like  
20    hell, and another person said, diesel locomotive,  
21    what are you talking about, it was two guys on a  
22    handcart and they came down and crashed into the  
23    car and put a dent in the car.

24            Now, that is a big significant  
25    difference. That is a real inconsistency. That's

1 an inconsistency which might make you wonder as to  
2 the core -- what the hell happened. But if the  
3 inconsistencies are amongst two people that say  
4 now, wait a minute, I looked at the carburetor  
5 before you looked at the fanbelt; now wait a  
6 minute, I was in there looking at the distributor  
7 cap, and there's a dispute as to which one of  
8 these items under the hood was looked into first  
9 when nobody was taking notes, nobody was  
10 scrambling out of the way of a train, that's  
11 another kind of inconsistency.

12 Keep in mind as you listen to what comes  
13 off that witness stand, what are the kind of  
14 things, the differences that are important to pay  
15 attention to and what kind are part of the normal  
16 way that two people might see things when  
17 something really important is about to happen,  
18 they have no warning of. Keep that in mind.

19 The Judge just explained that what I am  
20 talking about now is clearly not evidence. What  
21 Mr. Tayback chooses to say in a few minutes is not  
22 evidence in this case. The evidence, as the Judge  
23 told you, consists of the testimony off that  
24 witness stand, any maps, charts, physical things,  
25 bullets, guns, reports, kind of stuff, that is

1       also evidence.

2                   In the unlikely, and I underline the  
3       word unlikely, in the unlikely event that Mr.  
4       Tayback and I should reach an agreement on certain  
5       things in order to save time, we might agree that  
6       if so and so got on the stand he would testify to  
7       so and so. You can bet your life it is not going  
8       to be on anything crucial, but in the event we  
9       come to any agreement in the form of a  
10      stipulation, that also is to be considered  
11      evidence in the case. That's all.

12                   At the end of the case the Judge is  
13      going to instruct you on what is first degree  
14      murder because that is what the Defendant is  
15      charged with today in front of you. Two separate  
16      first degree murders. The Judge will instruct you  
17      in certain language which he must use because  
18      there is a court looking, listening to everything  
19      he says and they want to make sure that in the  
20      interests of a fair trial the proper instructions  
21      were given you at the end of the State's case. He  
22      will instruct you in a form of legalese, which he  
23      has to, as to what the elements of first degree  
24      murder are.

25                   He will tell you about willfulness.

1 That it has to be willful, it has to be done with  
2 premeditation, with deliberation and premeditation  
3 and he's going to define those terms, again, in  
4 legal language.

5 Let me just give you this forecast to  
6 keep in mind because there is other ways to  
7 describe it in language that is not the product of  
8 the law books. Willful simply means did he mean  
9 to do it. Did he mean to do it. Did he  
10 accidentally trip over the edge of the rug while  
11 carrying a gun and did the gun accidentally go off  
12 which he didn't mean to happen and did the shot  
13 unfortunately blow the first woman's head off, or  
14 did he mean to do what he did.

15 With deliberation simply means did he  
16 decide to do it. Did he make that decision. At  
17 some point did he say to himself, I'm going to  
18 kill this woman. And premeditation simply means  
19 that the act of killing comes after the decision  
20 is made, that the decision came before the act.  
21 That's all willful, deliberate and premeditated  
22 means.

23 Just keep this in mind. Uncontradicted  
24 evidence in this case is going to be that after he  
25 decided, announced to the first victim that he was

1 going to kill her and made that decision, he  
2 counted one, two, three before he acted. The  
3 evidence uncontradicted is going to show in this  
4 case that before he fired that bullet into the  
5 second woman's top of her skull as she cringed  
6 there in the chair, she just saw her friend fall  
7 to the bottom of the steps with no head on, and  
8 just saw this man approach her and said, calm as  
9 you can say it, sorry, baby, I can't leave any  
10 witnesses. That's the evidence you will hear and  
11 keep that in mind as you think in terms of  
12 decision to kill and the act to kill, the act of  
13 killing, first degree nature of this thing. This  
14 is all that is going to be sent to you.

15 This case is first degree murder. It is  
16 guilty first degree murder. There is also going  
17 to be a handgun charge but on the murder aspect of  
18 it, guilty first degree murder, not guilty.  
19 That's your choice, none other, as this case comes  
20 to you.

21 What is the evidence going to show?  
22 It's going to show, first of all, that these  
23 killings are drug related, drug related. Keep in  
24 mind as you listen to the evidence, a drug related  
25 homicide is the hardest kind of homicide to



1       prove.

2                   MR. TAYBACK:   Objection.

3                   THE COURT:    I'll sustain the objection.

4                   MR. BRAVE:    Let me say it this way,  
5       there is a code of silence among criminals.   To  
6       break that code of silence, no matter what it is  
7       that has been done, especially in the drug world  
8       where everything is okay in the name of drugs, to  
9       break that code of silence you become a snitch and  
10      nobody wants to be a snitch.   Nobody.

11                   In investigating a drug related homicide  
12      the police have to find a button to push, have to  
13      find someone who needs the police as much as the  
14      police need them.   That's the only way you break  
15      the code of silence.   Not only is it the  
16      acceptable way in law enforcement, the way you  
17      work your way into this world, it is the only  
18      way.   The only way.

19                   You have to find the people who know  
20      something about this.   You don't go looking in the  
21      churches on Sunday morning for witnesses.   You  
22      don't go looking in the executive suites of the  
23      big businesses.   You go to the people who know and  
24      that's where your investigation centers.   The  
25      people who know are the people in this world.

1                   Now, keep in mind as you listen to this  
2 evidence the witness' life style is not on trial  
3 here. No one, the State especially, is not trying  
4 to defend this life style. What is on trial here  
5 is the Defendant, Reuben Rainey. That is what is  
6 on trial here. Keep in mind those witnesses that  
7 you will be hearing from who have certain  
8 understandings or if you want to call it deals  
9 with the State in exchange for their cooperation.  
10 Those are the people that we are going to show you  
11 to give you the information as to what happened on  
12 June the 2nd, 1986, in the early morning hours.  
13 The only people who know. So keep that in mind if  
14 you hear the argument, I wouldn't believe this  
15 person if, you know, my life depended on it. We  
16 are bringing the people who know of this, who have  
17 intimate first hand knowledge of what happened  
18 that morning.

19                   What else is the evidence going to show  
20 other than it is drug related? It is going to  
21 show the Defendant is an incredibly cruel man; a  
22 man who kills with the emotional involvement that  
23 you and I would have had in doing something  
24 everyday, brushing our teeth. That's how much,  
25 how much value the evidence will show that this

1 man places on human life.

2 The evidence is going to show you that  
3 the first killing was over thirty-five dollars  
4 worth of cocaine. The second killing was to  
5 eliminate the witness to the first killing.

6 Very briefly, the evidence is going to  
7 show that Reuben Rainey in the early morning  
8 hours, 2, 3 o'clock on a Monday morning, this is  
9 a.m., about a year ago, June 2nd, is with a lady  
10 by the name of Joanne Blunt. Reuben Rainey wants  
11 to get some more cocaine. Joanne Blunt gets in  
12 touch with Nellie Chew. Nellie Chew gets in touch  
13 -- some inquiries are made. They find out that  
14 there is some cocaine available in this house,  
15 that two of the ladies know the owner of this  
16 house, Debra Veney, that some cocaine is available  
17 in this house on Navarro Road, 4700 block. It's a  
18 road that runs parallel to Rogers Avenue, up near  
19 the Wabash section, northwest Baltimore.

20 You will hear that Reuben Rainey drives  
21 over to this address with these two ladies, Joanne  
22 Blunt and Nellie Chew. They get there, he asks  
23 for a gram of cocaine, they have seventy-five  
24 dollars, they give him seventy-five dollars, they  
25 cook it up. Cooking it up means they put it

1 through some process where it then becomes what is  
2 known now as crack. It is put in a container and  
3 there is some water and some of this put in it,  
4 they burn it and it comes back. Reuben Rainey  
5 takes a look at what came back and says, this  
6 ain't seventy-five dollars worth. I want some of  
7 my money back.

8 The seller, Deborah Veney, says, look,  
9 what you paid for is what you get. Maybe under  
10 the code, maybe she should have given him some of  
11 it back, I don't know. But this is the position  
12 she took. There is heated words. It gets hotter  
13 and hotter and hotter. Finally he orders her to  
14 get that money back. She gives him some lip, he  
15 tells her move, one, two, three and the woman has  
16 the nerve to disrespect him by not moving. What's  
17 his answer, you will see, unfortunately, his  
18 answer. Then he turns to the two ladies. One of  
19 them freaks out completely, sees what is about to  
20 happen, runs out to the car, the other one stays  
21 around for the three and then leaves. Then turns  
22 calmly to Peaches who is only a drug user -- I'll  
23 get to that in a moment -- many of the witnesses  
24 are -- I'll get to that in a moment -- Peaches is  
25 over there just to get high.

1 Her friend Deborah Veney comes down the  
2 end of the stairs with no head on, and here's this  
3 man right here saying, sorry, baby, I can't leave  
4 any witnesses, he gets off one into her head. As  
5 she pulls her hands away you will see clumps of  
6 her hair she pulled out in fright.

7 That's the scenario that you are going  
8 to hear about and it is not entertainment. You  
9 are going to hear about it through the two women  
10 who were there, who were right there. You are  
11 going to hear about it through a man who he told  
12 about, boasted about, not told about. Listen to  
13 how seriously he takes this whole thing as you  
14 hear the man who he confessed to.

15 We have got the gun in the case.  
16 Believe it or not, we have got the gun. Guns you  
17 will learn, just like fingerprints, can be  
18 ballistically matched. It is -- I mean, it is not  
19 maybe, it either is or it isn't. These bullets  
20 leave microscopic impressions and just like a  
21 fingerprint you can tell if a spent projectile was  
22 fired from a particular gun. Put it under a  
23 microscope and there it is, there is the  
24 fingerprint. We have got the gun.

25 You will hear that this man after the

1 murders sold the gun to this witness. You are  
2 going to hear that the police worked on this case  
3 steadily for weeks and weeks and weeks before they  
4 got their break. After all, you are dealing with  
5 a drug related case and nobody is coming forth.  
6 You are going to learn for the first six weeks the  
7 police had a hunch, a working theory, a suspicion,  
8 a suspect, if you will, as to who they thought  
9 might be responsible for these murders.

10 The reason they had the suspicion is  
11 they began to find out through the people who, one  
12 of the people, one of the women who came though  
13 the crime scene after the murders, they began to  
14 hear about an individual by the name of LeRoy. He  
15 who turns out to be LeRoy Boyce. LeRoy Boyce  
16 eventually turns out is a drug dealer of some  
17 size. I mean, he's not Mickey Barnes up in New  
18 York but he's not your street level pusher  
19 either. He's got himself an organization of  
20 sorts. I mean, you calling ten, twelve people --  
21 I call that an organization. Lots of money passes  
22 through this organization. Maybe as much as a  
23 half a million to a million dollars a year. So,  
24 the police learn that a lot of the people who are  
25 surfacing have some tie-in with LeRoy Boyce and,

1 naturally, without any evidence that is the person  
2 who their hunch, their suspicions go to.

3 You are going to learn that the date of  
4 June the 19th, 1986 is an important date. That is  
5 seventeen days after the murders. June the 2nd is  
6 the murders, the early morning hours. June 19th,  
7 an event occurs. That event doesn't bear  
8 immediate fruit but because of that event the  
9 police, three, four more weeks down the line find  
10 the button finally after six or seven weeks of  
11 reinterviewing everybody, looking at this from  
12 every different angle, trying to get some evidence  
13 of something, they find the button. Someone with  
14 knowledge agrees to talk and tell what he knows.  
15 Suddenly the hunch theory of LeRoy Boyce suddenly  
16 is put over here because now they have got  
17 something to look, because this person not only  
18 has facts, he has names, names.

19 The police go to these names and talk to  
20 them. Listen oh so carefully, really carefully.  
21 This is the key. It's going to keep you from  
22 getting lost. Listen to the way the detectives  
23 proceed from that point on. Are these the  
24 bungling detectives of Perry Mason and Matlock or  
25 are these professional detectives who are after

1 the facts? You will agree it makes a difference  
2 if a detective takes an individual and says, okay,  
3 miss so and so, look what we have got written down  
4 here, we have got written down here everything  
5 that we just heard from so and so. Got it all  
6 written down here, read it over, if, if you have  
7 got the time; if you don't, it is no matter. But  
8 if you want to, read it over and just sign it.

9 Now, that might be, may be on television  
10 one way for a detective to proceed. Another way  
11 for a detective to proceed and the proper  
12 professional way for a detective to proceed is to  
13 say, look, lady, we know you have knowledge of  
14 this event, tell us what you know, and listen for  
15 their answers. Listen to see if the detectives  
16 based on their answers get another lead and where  
17 they go with that next lead and how they proceed.  
18 Do they shove the information into the people they  
19 are interviewing or do they as professionals say,  
20 tell us what you know.

21 Compare that information that they get  
22 step by step. Ask yourselves whether that  
23 information has the same core facts and whether  
24 there are other inconsistencies and whether those  
25 inconsistencies are core inconsistencies or



1       whether they are like the other kind that I  
2       described.

3               Don't get lost in this case, ladies and  
4       gentlemen. Watch for those kinds of things.  
5       Those are the important things to watch for. Keep  
6       in mind as you listen to these witnesses, you are  
7       going to find out that in the interviewing  
8       process, you are going to find out a person gives  
9       a -- first starts out telling the police, if they  
10      want to, what they know.

11              Oh, incidentally, before it escapes me,  
12      ask yourselves as you listen to these witnesses  
13      whether they wanted to talk at first at all,  
14      whether they came in, you know, fresh from getting  
15      their instruction as to what to say to the police  
16      or whether they had to be pulled in and the police  
17      had to probe around for the button to push. Keep  
18      that in mind.

19              I started to tell you the about this  
20      interview process. You will hear that at first,  
21      if you decide to give the police information, they  
22      take a statement. They might say, I swear that  
23      this is the truth or something but it is not on  
24      the stand under oath. They might then be taken to  
25      the grand jury. They might then have had occasion

1 to testify under oath.

2 Listen to the various tales that each  
3 one of them tells. Ask yourselves, does the  
4 statement, does the grand jury testimony, does the  
5 testimony under oath, does it have the same core  
6 facts and if, if there are any inconsistencies,  
7 are they explainable by the fact that they don't  
8 want the police to know just how deeply involved  
9 they were and that, finally, as more and more  
10 information comes out, they finally gradually tell  
11 it all. Find out whether the inconsistencies are  
12 protective of themselves at first and gradually  
13 they let -- I know exactly how it happened. Keep  
14 that in mind.

15 Keep in mind, finally -- I'm going to  
16 finish real soon. Keep in mind that Mr. Tayback  
17 and I are both doing a job. When we object,  
18 please don't hold that against us. We are doing a  
19 job. My job is to take those facts which I  
20 believe and present them to you, tell you what I  
21 think they add up to. Mr. Tayback has a job too.  
22 He's got to make sure that everything I do is fair  
23 under the definition of a fair trial. The  
24 Defendant's rights must be protected. We are not  
25 back to square one and nobody, nobody wants that.

1 If as a by-product of protecting the Defendant's  
2 rights Mr. Tayback happens to be especially  
3 compelling and gets his man off, then so much the  
4 better from Mr. Tayback's standpoint. But we are  
5 each doing a job.

6 Ladies and gentlemen, all I really want  
7 to put forward to you today, I want you to keep  
8 these things in mind as you are listening to this  
9 case. Please, we are in a real courtroom. I  
10 think you understand the importance of this case  
11 and I'll be back to talk to you at the end of the  
12 case. When that is going to happen, I can't be  
13 sure. It depends. It depends if the defendant  
14 wants to, whether he is going to pull out pieces  
15 from that box. I don't know which pieces we have  
16 rejected he's going to want to make an issue of.  
17 If he decides to make an issue of it, then I've  
18 got the right to make the -- get all of it before  
19 you so you can evaluate the thing properly. So I  
20 don't know how many pieces he's going to pull out,  
21 if he's going to pull out any. So, we could be  
22 here for a week, we could be here longer.

23 But, in any event, one other thing, Mr.  
24 Murphy and his wife, in the next few days are  
25 expecting. Should -- I'm hoping this doesn't --

1 I'm hoping that the baby doesn't come until after  
2 the trial but if you see me carrying on alone,  
3 please understand it's not that Mr. Murphy has  
4 lost interest in the case. But in any event, one  
5 of us or both of us will be back to talk to you at  
6 the end of the case.

7 I'm going to hit these points again at  
8 the end of the case because if you keep them in  
9 mind, you will not get lost. You will not get  
10 lost. You will keep your eye on the ball, on the  
11 core facts and if that is done, there will be no  
12 question, no question whatsoever in your mind that  
13 this is the man who committed two first degree  
14 murders back on June the 2nd of 1986.

15 Thank you very much for your attention.

16 THE COURT: Mr. Tayback.

17 MR. TAYBACK: Thank you, Your Honor.  
18 May it please the Court, Mr. Brave, Mr. Murphy,  
19 ladies and gentlemen of the jury. Mr. Brave, as  
20 the prosecutor, has taken approximately an hour to  
21 discuss with you in opening statement what he  
22 feels is important for you to recognize before the  
23 case even begins.

24 Now, even before I speak to anything  
25 that I think is important, let me ask you a

1 question, did Mr. Brave actually speak to the case  
2 itself, to the evidence for more than a few  
3 minutes or did he speak essentially around that,  
4 including, among other things, almost the next to  
5 the last thing that he said was talking about this  
6 hypothetical box in which the evidence is  
7 contained, out of that he'll pick several pieces  
8 and present them to you and then if I choose on  
9 behalf of the Defendant, I can look into that box  
10 and choose some more evidence.

11 Now, you are jurors but you are also  
12 essentially judges. You are judges of the facts.  
13 Judge Davis in this particular case is the judge  
14 of the law. He will tell you what the law is.  
15 You have to, and it is your responsibility, to  
16 take that law and apply it to the facts in this  
17 case.

18 Wouldn't it make more sense, especially  
19 since are you the judges of the facts, for the  
20 State's Attorney who is the one one who is  
21 supposed to bring these facts to you, to take that  
22 box such as it is and just dump out the contents  
23 so you can see everything about this case and you  
24 can understand this case from beginning to end,  
25 from A to Z, whatever sort of explanation you want

1 to use for that sort of thing.

2 The State's Attorney is not going to do  
3 that. He's already told you he's going to pick  
4 and choose out of that evidence to present to you  
5 the evidence he wants you to hear and he is going  
6 to keep the other evidence in that box until I  
7 bring it out. So be it. I'll do it. Absolutely.  
8 If he doesn't bring it out, it's coming out  
9 through me.

10 Those people are going to come out  
11 kicking and screaming because they don't like me  
12 and they don't want to say a thing that is  
13 beneficial to my client but they're all going to  
14 come out, every single person I can find, they're  
15 going to come on out, one of whom the State's  
16 Attorney mentions, State's Attorney has indicated  
17 that he will not use first so I'll bring him on.

18 He's not going to be my witness. I'm  
19 not going to be able to call him as defense  
20 witness because he's a horrible person, he's not  
21 believable, you won't believe a word he says  
22 except for those things where I can tie him down  
23 and he's about the toughest person to tie down you  
24 will ever see but his name is Leroy Boyce.

25 Now, the State's Attorney mentions Leroy

1 Boyce almost in passing to say the name Leroy  
2 Boyce comes up. That's the initial suspect the  
3 police have because everybody seems to tie into  
4 Leroy Boyce. Also got a nickname Poppy which will  
5 come up and that's exactly right. Every single  
6 person in this case does tie in to Leroy Boyce.

7 Deborah Veney who is one of the two  
8 victims, the person Mr. Brave mentions who has her  
9 head almost blown off her head, the one who is at  
10 or about the steps, not on the chair, she happens  
11 to be a drug dealer. For whom? Leroy Boyce. Who  
12 uses the house at 4711 Navarro Road as one of his  
13 stash houses, as one of his dealing houses, as one  
14 of his houses because he moves every few days, so  
15 he stays one step ahead of the police, Leroy Boyce  
16 does.

17 State's Attorney also mentions to you,  
18 oh, we have got the gun in this case. The gun was  
19 recovered up in New York City. Now, who ends up  
20 being the person who owns the gun since the gun  
21 was stolen from a Baltimore City Jail Guard, but  
22 who is the person who is the owner such as he is  
23 of the stolen gun? Leroy Boyce. He is the one  
24 who is the owner of the murder weapon.

25 Nellie Chew is this other eyewitness

1       that State's Attorney mentions to you, who does  
2       she happen to be? Well, she is not some sort of  
3       person who just has nothing to do with Leroy  
4       Boyce, she's another one of his main women. The  
5       two women in this case who are the so-called  
6       eyewitnesses are Joanne Blunt who through Poppy is  
7       Mommie and Nellie Chew is Bey, and who also  
8       happens to be according to Poppy and everybody  
9       else one of Poppy's main women. Those two women  
10      out of all the women in the case seem to be the  
11      most important women in Leroy Boyce's drug  
12      empire.

13               Two days after, not even two days after,  
14      Nellie Chew is renting rooms at a hotel. For  
15      whom? Leroy Boyce, because that's again part of  
16      his operation. And the police know that and  
17      that's part of the evidence in that box which is  
18      going to come out through me if it doesn't come  
19      out through the State which is where it should  
20      come in the first place.

21               MR. BRAVE: Objection, Your Honor.

22               THE COURT: Approach the bench.

23               MR. TAYBACK: I'll withdraw the last  
24      comment if that's the objection.

25               THE COURT: Ladies and gentlemen, strike



1 the comment he just made.

2 MR. TAYBACK: Your Honor, excuse me, you  
3 have sustained the objection?

4 THE COURT: Yes.

5 MR. TAYBACK: May I proceed?

6 THE COURT: Let me see counsel at the  
7 bench.

8 (Whereupon, counsel and the Defendant  
9 approached the bench and the following conference  
10 ensued:)

11 THE COURT: Out of an abundance of  
12 caution, how far did counsel intend to go on prior  
13 proceedings in this long series of proceedings? I  
14 note that Mr. Tayback is picking up the  
15 transcripts from apparently the preceding trial.

16 MR. TAYBACK: Your Honor, I'm going to  
17 indicate to the jury now and I am going to be  
18 indicating through my examination of the witnesses  
19 later that the witnesses have lied under oath.

20 THE COURT: As I understand it, you  
21 intend to get into the fact that this is a  
22 retrial?

23 MR. TAYBACK: I'll have to, sure.

24 MR. BRAVE: I don't see why they need to  
25 know it is a retrial if they testified previously

1 in these proceedings --

2 MR. TAYBACK: I'm going to indicate --

3 MR. BRAVE: -- under oath.

4 MR. TAYBACK: I'm not going to indicate  
5 the term retrial. What I am going to indicate is  
6 that -- essentially what Mr. Brave just said, that  
7 is, under oath in these proceedings these people  
8 have lied and I've got the transcripts here and it  
9 will come out during the case.

10 THE COURT: I see no reason for us to  
11 make a point of advising this jury that this is a  
12 retrial of this case.

13 MR. TAYBACK: It will probably come out,  
14 to be honest with you, because the witnesses will  
15 bring it out through their own testimony but I'm  
16 not going to indicate that in opening statement at  
17 this time. I have no objection to it but I'm not  
18 going to do it at this time.

19 THE COURT: My only concern is that I  
20 want this jury to make its assessment or its  
21 evaluation based on their belief that they are the  
22 ones who are to decide this case and not on what  
23 some other jury may or may not have done.

24 MR. TAYBACK: Absolutely.

25 THE COURT: I'd ask counsel to stay away

1 from any suggestion that it is a retrial. I'd ask  
2 that you use the words "in these proceedings"  
3 rather than to talk in terms of a prior trial.

4 MR. TAYBACK: In opening statement I  
5 have indicated I will do so. If it becomes  
6 appropriate in the future, where it becomes  
7 different I'll approach that at that time. Okay.

8 MR. BRAVE: Before we leave, is it  
9 proper for him to use this prop? That is all it  
10 is, is a prop, in the form of the transcripts  
11 right there on the table.

12 MR. TAYBACK: Why not?

13 MR. BRAVE: I just don't think it is  
14 proper. It is not in evidence. You don't use  
15 props.

16 MR. TAYBACK: Disagree. I have a right  
17 to use it if I want to. It is a physical prop as  
18 you say but it is something that is effective in  
19 the presentation and there is nothing that  
20 disallows it. There is no reason that I think you  
21 can suggest to the Court that would disallow it.

22 THE COURT: The only possibility -- the  
23 only difficulty with the picking up of all those  
24 transcripts is I hope that you are not about to  
25 suggest to this jury that these transcripts

1 represent from start to finish one continuous  
2 lie. I mean, if that is what are you about to --

3 MR. TAYBACK: What you say, one  
4 continuous lie --

5 THE COURT: Or series of lies.

6 MR. TAYBACK: No, I'm not about to.

7 THE COURT: I'm not so sure I understand  
8 the reason why the transcripts themselves have to  
9 be displayed either.

10 MR. TAYBACK: There's no reason that  
11 prevents, that's what I'm saying, and it is  
12 physically effective to say, look, I've got it  
13 here in black and white and at the appropriate  
14 time it will come out that these people have lied  
15 under oath in these proceedings.

16 THE COURT: I guess my only concern is  
17 the sheer volume clearly indicates to the jury  
18 this was more than any pretrial hearing. It is  
19 obviously extensive enough that it constitutes the  
20 transcripts of the trial.

21 MR. TAYBACK: No, I don't want it to be  
22 suggested that it is a pretrial hearing because  
23 I'm going to say they have lied under oath before  
24 jurors. I'm not going to say retrial or any other  
25 matter but I have a right to say --

1           MR. MURPHY: That's just not the proper  
2 way to do it. Very often cases are retried, we  
3 all know that, but just phrase it like in a prior  
4 proceeding in this matter or in this earlier part  
5 of this proceeding did you say this.

6           THE COURT: That's what I pretty much  
7 suggested already. I don't see any reason for --

8           MR. MURPHY: He's trying to work it up  
9 to what is improper.

10          THE COURT: I really don't see --

11          MR. TAYBACK: I would object. That's  
12 improper even to suggest that it is a retrial.  
13 I'm not saying so at this time but I disagree with  
14 any suggestion that it is improper to say that  
15 it's part of the history of this case.

16          The only curative problem is that which  
17 the Court has indicated and that is simply a  
18 matter of instruction to the jury that whatever  
19 has happened previously is no concern of this  
20 jury. This jury has to weigh the evidence on its  
21 own and make its own decision.

22          THE COURT: I'm not so sure I understand  
23 why, other than counsel suggesting as to the  
24 dramatic effect, that it is necessary to take this  
25 huge compilation of transcripts over in front of

1 the jury.

2 MR. MURPHY: They're certainly not in  
3 evidence at this point and probably will not be.  
4 The whole thing I mean. Bits and pieces may.

5 THE COURT: When you refer to the  
6 transcript, you are not going to be referring to  
7 this pile, you are going to be referring to a  
8 single transcript and a given page and flip to  
9 another page and another page and another page.  
10 Not that whole bundle that you have got there. I  
11 don't understand the reason for it.

12 MR. MURPHY: Like us waiving four guns  
13 around instead of one.

14 MR. BRAVE: Mr. Tayback would have had a  
15 fit if I waived the gun around in the opening  
16 statement.

17 MR. TAYBACK: I don't care. I'll wave  
18 it now if you want to. I have no problems with  
19 that. It's okay with me. It's going to come in  
20 sooner or later.

21 THE COURT: I think that is a bad  
22 example because at this juncture I assume Mr.  
23 Tayback figures the gun is advantageous to him.  
24 So that's a bad analgy.

25 MR. MURPHY: How about two guns, one of

1       which will never come into evidence. That's like  
2       waving all the transcripts around would be like.

3               MR. BRAVE: Exactly.

4               THE COURT: Mr. Tayback, keep the thing  
5       clean. Just leave that -- you can point to them  
6       or something else but don't go over there and  
7       carry a pile of transcripts that probably weighs  
8       about twenty-five pounds to the jury.

9               MR. TAYBACK: I've already got them over  
10      there now.

11              THE COURT: Just go ahead and talk to  
12      the jury.

13              MR. TAYBACK: Take them back.

14              THE COURT: Just go talk to the jury  
15      about them.

16              (Whereupon, counsel returned to the  
17      trial table and proceedings resumed in open  
18      court.)

19              MR. TAYBACK: The witnesses in the case  
20      are going to get on the stand and if they do what  
21      they have done before in prior proceedings,  
22      they're going to lie under oath. You will hear  
23      the clerk administer the oath to them that they  
24      are to tell the truth, the whole truth and nothing  
25      but the truth under the penalties of perjury which

1 in the State of Maryland is ten years and they  
2 will get up there and they will tell you whatever  
3 they feel they can get away with. And Leroy Boyce  
4 certainly will do that. We know that. And Joanne  
5 Blunt will do that, and Nellie Chew will do that  
6 and Leepoleon Jackson, a person who goes by the  
7 name of, street name of Jesus in New York, will do  
8 that; a fellow by the name of Robert Robinson,  
9 Bobbie Bird is his street name, he'll do that;  
10 fellow by the name of Edward Cooper, he's called  
11 Easy on the street, he'll do that.

12 Every single person in this case is tied  
13 into Leroy Boyce and will lie to you and that is  
14 what we know and that's what you will know at the  
15 end of this proceeding. You will find honestly,  
16 truthfully, that Leroy Boyce is tied into the  
17 murders of these two people, and the reason is it  
18 has something to do with the drug operation of  
19 Leroy Boyce.

20 You will also find several other things,  
21 that is physical inconsistencies, which by their  
22 very nature do not allow for the State's  
23 Attorney's theory of the case to make sense.  
24 State's Attorney will say to you and has said to  
25 you, as a matter of fact, that his case is that



1 for seventy-five dollars pooled among three  
2 people, that's correct, Joanne Blunt, my client,  
3 and Nellie Chew they went to the home of Deborah  
4 Veney to get some cocaine. The cocaine was  
5 insufficient in quality or insufficient in  
6 quantity, didn't cook up right, the cooker, of  
7 course, was Nellie Chew, and that, therefore, it  
8 was only fifty dollars worth instead of  
9 seventy-five dollars, somehow that translates  
10 seventy-five down to fifty into thirty-five  
11 dollars and that is the matter over which the two  
12 people were killed.

13 The police on the other hand will  
14 indicate to you they come into this house, find  
15 all the details and go through the house just with  
16 a fine tooth comb looking for everything because  
17 it is a double homicide; that they find in the  
18 garment of the person or in the house, and I  
19 believe it is in the garment of the person, a  
20 dollar and fifty-seven cents, and no other money  
21 in the entire, entire house.

22 Right away there are only two  
23 possibilities. One that Joanne Blunt and Nellie  
24 Chew lied about giving the seventy-five dollars  
25 over and then demanding the thirty-five dollars in

1 return; or, number two, that after the murders, if  
2 you believe the State's theory, that my client  
3 then goes through the pockets, extracts out  
4 seventy-five dollars, more than seventy-five  
5 dollars, takes whatever it is he wants, at least  
6 the thirty-five dollars, then goes on out.

7 The problem with that is that State's  
8 witnesses have not thought ahead far enough.

9 Again they're kind of bound by what they have done  
10 before, so to speak, and they don't have him doing  
11 that at all. They don't have anybody ever saying  
12 that he told them he did that at all. The problem  
13 is that when you are lying these inconsistencies  
14 that the State's Attorney talks about develop.

15 It is not because two people who are  
16 truthful and honest are looking at the same  
17 factual scenario and seeing two different things.  
18 It is because two people who are liars, who are  
19 attempting to lie together, but are restrained by  
20 distance, one being incarcerated for quite a  
21 period of time, and taking their responsibility in  
22 the case, if you will, through their weekly,  
23 biweekly, triweekly telephone calls with Poppy,  
24 who is incarcerated elsewhere, they get the facts  
25 confused. They get some facts together and some

1 facts wide apart.

2 You will see the inconsistencies not for  
3 what the State's Attorney says that they are,  
4 mistakes by honest people, but instead for what  
5 they really are, that is, people who are lying to  
6 you and can't get the lies straight one, two,  
7 three, four, five, six, seven, eight, nine, ten.  
8 That is what you have.

9 The very first thing that the State's  
10 Attorney said, besides this being an inconvenience  
11 to you, was that you are not to believe what you  
12 see on television, Perry Mason or somebody by the  
13 name of Matlock. I must admit I have never seen  
14 Matlock so I take the State's Attorney on faith  
15 that he's a modern version of Perry Mason but I  
16 think we all understand the point that the State's  
17 Attorney was trying to make, and that is that  
18 somehow or the other in those cases the defense  
19 attorney always pulls a rabbit out of the hat and  
20 he wins the case at the last minute. Well, again,  
21 that's television.

22 But think for a moment why we have  
23 trials in the first place. If you were simply  
24 here to verify what the State's Attorney said or  
25 what the police officer says in the case, there

1 would be no reason for a trial, there would be no  
2 reason for twelve people who act as judges of the  
3 facts. Instead, what you are, you are a check and  
4 a balance to the procedure. It is an adversarial  
5 system. He represents one side, I represent the  
6 other. You are not in the middle, you instead are  
7 the balance of the two sides, and your balance is  
8 this, that you weigh the evidence, you weigh it  
9 carefully and you weigh it with the State's  
10 Attorney's feet to the fire, say, boy, you really  
11 have to convince me because that is what beyond a  
12 reasonable doubt is and to a moral certainty is.  
13 You have to be convinced so that there is no real  
14 question in your mind that the State's Attorney is  
15 correct, absolutely, positively. That's what it  
16 comes down to.

17 Now, in this case, right away, just  
18 based on the few moments that I have spoken with  
19 you, you already know something in addition,  
20 something very, very important in addition to  
21 those remarks that have been made by the State.  
22 Even before the evidence begins you know that  
23 Leroy Boyce is the owner of the gun. You know  
24 that Joanne Blunt and Nellie Chew and Eddy Cooper  
25 and Bobbie Bird Robinson and Leepoleon Jackson

1 have to do with a drug operation that is part and  
2 parcel of Leroy Boyce's drug operation. Also you  
3 know that the victim, Deborah Veney, has to do  
4 with Leroy Boyce's drug operation.

5 Now, Peaches, I don't know. I don't  
6 know how far or how little she was involved in  
7 that matter. I know that she was there definitely  
8 to get high but she was a coke addict as the term  
9 is used on the street. How much beyond that she  
10 went, I don't know.

11 Also one additional thing, that the  
12 State's Attorney in telling you about the box from  
13 which the evidence is retrieved either by himself  
14 or by me, is telling you that he is not going to  
15 present to you the full picture; whereas, I'm  
16 telling you that you will get the full picture  
17 either through the State, excuse me, or through  
18 the defense, or the combination of the two. But  
19 at the end of this case, you are going to know one  
20 thing, that is, that you got the evidence as we  
21 understand it, as we know it, as best as we have  
22 been able to put it together. And when you have  
23 all of that evidence, when you have every bit of  
24 that evidence that we can present to you, through  
25 my efforts and the State's Attorney's efforts,

1 forcing that evidence to come through, you are  
2 going to know one thing also, that Leroy Boyce is  
3 the one who was behind the murder of Deborah Veney  
4 and Glenita Johnson.

5 Whether he does it himself directly,  
6 whether he does it through Nellie Chew, whether he  
7 does it through Rerun and Bus Driver I can't tell  
8 you but those are the people who are involved in  
9 the murders of Deborah Veney and Glenita Johnson.

10 One additional point that will come up  
11 will be this. Remember I told you about physical  
12 evidence. Now, no fingerprints of my client at  
13 all were recovered, Glenita Johnson or Deborah  
14 Veney, also no fingerprints of Boyce. A  
15 fingerprint of Nellie Chew is there, and with  
16 respect to Nellie Chew we know that on June 19th,  
17 remember that date that the State's Attorney gave  
18 you as being an important date in the case, the  
19 police go to the house of Deborah Veney and in  
20 that house they find Leroy Boyce and they find  
21 Leroy Boyce with approximately twenty thousand  
22 dollars worth of cocaine and fourteen thousand  
23 dollars in cash, and three guns, one of which he  
24 pulls on the police officer in this case,  
25 Detective Requer, and we find further in that

1 house bloody garments hidden in a plastic bag  
2 behind the dresser of Nellie Chew's in her  
3 bedroom.

4 We find further hidden on top of a  
5 kitchen cabinet 357 Magnum bullets which fit this  
6 particular gun, several of which even have strike  
7 marks on them indicating that they might have been  
8 used in this gun. That's in Nellie Chew's house  
9 and Nellie Chew is the State's witness who  
10 supposedly is going to come forward to you and  
11 now, finally, after all this, tell you the real  
12 truth.

13 Well, the real truth is, as you are  
14 going to know it in a few days, in a week,  
15 whatever time it takes, that Leroy Boyce is the  
16 person who has made his pact, his plea agreement  
17 with the State's Attorney and has gotten away with  
18 murder and, instead, he has shifted the blame  
19 through his troops over to my client who sits  
20 charged because of that. You will find that that  
21 is the pattern of deceit that has been set up by  
22 Leroy Boyce as part of his organization. If the  
23 heat comes down, somebody else is scheduled to  
24 take the heat. And if they don't take it  
25 voluntarily, get shifted by the other troops over

1 to another innocent person, and that is the case,  
2 the case in a nutshell.

3 I'll be talking to you one final time in  
4 what is called argument. This is supposed to be a  
5 statement although it seems like argument, but in  
6 argument the State's Attorney and I are going to  
7 be arguing our respective positions. But it is  
8 you folks who are going to have to weigh that  
9 evidence no matter what we say or don't say and  
10 you are going to have to decide who is right and  
11 who is wrong. A trial is the search for truth and  
12 it is also a search for justice. The Defendant is  
13 the one who picks a trial. The Defendant is the  
14 one who picks a jury trial. He is the one who  
15 wants the truth to come out. He is the one  
16 demanding justice in the case. Thank you.

17 OFFICER HARRY ROOP,  
18 a witness produced on call of the State, having  
19 first been duly sworn, according to law, was  
20 examined and testified as follows:

21 THE CLERK: State your name and  
22 assignment.

23 THE WITNESS: Officer Harry Roop,  
24 Baltimore City Police Department, Northwest  
25 District.



DIRECT EXAMINATION

BY MR. MURPHY:

Q Officer Roop, you have been a city police officer for how long?

A For approximately, fifteen, sixteen years.

Q Where have you been assigned during those fifteen or sixteen years?

A Northwestern District.

Q What is your function out there at Northwestern District?

A Patrol officer, uniform patrol.

Q Directing your attention, Officer Roop, back to the date in question in this case here today, which is June 2nd, 1986, very early morning hours, I believe it was a Monday morning, were you working as a Northwestern District patrol officer at that time?

A Yes, I was.

Q Were you dressed as you are dressed now?

A Yes, I was.

Q Were you working in a car?

A Marked vehicular unit, yes, sir.

Q Were you working alone or with someone else?

1           A     By myself.

2           Q     Did there come a time in the very early  
3 morning hours when you received a call to go to a  
4 certain location?

5           A     Yes, I did.

6           Q     What time did you receive that call?

7           A     I received the call at approximately  
8 5:35 a.m. in the morning.

9           Q     And was this by way of radio or what?

10          A     By radio, via police radio.

11          Q     Did this call at 5:35 a.m. direct you to  
12 go somewhere?

13          A     Yes, it did.

14          Q     Where did it direct you to go?

15          A     The 5500 block of Groveland Avenue for a  
16 shooting.

17          Q     And Groveland Avenue, of course, is in  
18 Baltimore City?

19          A     Yes, it is.

20          Q     Did you go to Groveland Avenue?

21          A     I did.

22          Q     Did you meet somebody there at Groveland  
23 Avenue?

24          A     Yes, I did.

25          Q     Who did you meet there?

1           A       I met a gentleman that was standing in  
2 the street waving his arms frantically at me to  
3 stop. When I stopped the man identified himself  
4 as Mr. Arthur Kelly.

5           Q       Was he able to tell you why he wanted  
6 you?

7           A       Yes, he reported to me that he had seen  
8 some people had been shot, his girlfriend had been  
9 shot, he thinks that she is dead and he told me  
10 where the house was. I put him in the back seat  
11 of my radio car and directed him to show me where  
12 the house was.

13          Q       What was his emotional state as it  
14 appeared to you at the time?

15          A       Extremely upset.

16          Q       And where is the house he directed you  
17 to?

18          A       It was approximately three blocks away  
19 at 4711 Navarro Avenue which is right off of --

20          Q       Is that also, of course, in Baltimore  
21 City?

22          A       That's in Baltimore City, yes, sir.

23          Q       That's 4711 Navarro Avenue?

24          A       That's correct.

25          Q       Do you recall or does your report state

1       how Mr. Kelly was dressed?

2           A       No. I don't have that.

3           Q       When you arrived at 4711 Navarro Avenue,  
4       did you have occasion to observe the door?

5           A       Yes, I went to that address Mr. Kelly  
6       pointed out and the door was partially open. I  
7       went up to the front door and went inside the  
8       house.

9           Q       What did you find when you opened this  
10      partially opened door?

11          A       Well, I walked in, I found two female  
12      victims, one of which was laying on the floor, the  
13      other was sitting in a chair and both of them had  
14      been shot in the head.

15          Q       Were their wounds obvious?

16          A       Yes, they were. Very obvious.

17          Q       One was at the -- where was the first  
18      one who was on the floor, near where?

19          A       The first one I saw was one of the  
20      female victims, was lying on her back on the floor  
21      at the base of the staircase between the hallway  
22      and the kitchen or rather between the living room  
23      and the kitchen. The second female was sitting  
24      upright in a chair approximately three feet away  
25      from the first victim.

1           Q     Did you conduct any sort of cursory or  
2 preliminary search of the apartment or the house  
3 to find if anyone else was in there?

4           A     Well, not at that time. At that very  
5 moment I secured the premises. I called for  
6 additional units to meet me at that location and  
7 to secure the outside, the rear of the house as  
8 well as the front and not to allow anybody in or  
9 out, police or otherwise.

10          Q     What was the reason for doing that,  
11 Officer Roop?

12          A     That's to protect the crime scene so  
13 nothing is disturbed by other citizens, relatives  
14 or other police.

15          Q     Now, what other units or what do you  
16 mean by other units coming down there?

17          A     I called for the additional units that  
18 were working the street at that time and had them  
19 stand outside, also called for my supervisor,  
20 Sergeant Koerber, K-o-e-r-b-e-r. He responded to  
21 the scene and he and I went through the apartment  
22 with no one else, not touching anything, to make  
23 sure there was no suspects or other victims in the  
24 apartment.

25          Q     Were there any other people dead or

1       alive in that apartment?

2           A       No, sir.

3           Q       Now, did you call a homicide unit or  
4       homicide detective to come down?

5           A       Yes, sir, I did.

6           Q       And did that homicide detective respond  
7       or arrive rather quickly?

8           A       Yes, he did.

9           Q       Who was it?

10          A       That was Detective Requer.

11          Q       Detective Oscar Requer?

12          A       Requer from the homicide office.

13          Q       Did you then turn this crime scene over  
14       to Detective Requer after securing it and making  
15       sure that no one disturbed anything?

16          A       That's correct.

17          Q       Thank you, officer. I have no other  
18       questions on direct.

19                               CROSS EXAMINATION

20       BY MR. TAYBACK:

21           Q       Officer Roop, when you arrived you  
22       eventually became the recording or recovering  
23       officer for the evidence, is that correct?

24          A       That's correct, the evidence that was  
25       left in there on the kitchen table.

1           Q     You also, according to your police  
2 report, recovered some money, is that also true?  
3 If you will look to the last page --

4           A     If I can refer -- it's been a while.

5           Q     If you look to the last page of your  
6 report.

7           A     Yes, sir, I did.

8           Q     Where, if you recall, at this time, was  
9 it that you recovered that money?

10          A     Take a look here and see in the report.  
11 I don't seem to see in the report where exactly  
12 that money was recovered.

13          Q     However, you did recover an amount.  
14 What was that amount?

15          A     It was a dollar fifty-seven.

16          Q     That was broken down to quarters, dimes  
17 nickels and pennies, is that correct?

18          A     That's correct.

19          Q     And that is the entire amount of money  
20 that was found on this premises when you searched  
21 it, is that true?

22          A     I'm not, I'm not certain. I'm not  
23 certain whether I found this money on the premises  
24 or on one of the -- on the victim. It is possible  
25 on the victim, one of victims may have had the

1 money on them.

2 Q What I'm saying, at 4711 Navarro Road,  
3 whether it was on the person or one of the  
4 individuals or on the premises itself, you found a  
5 dollar fifty-seven, is that correct?

6 A That's correct, sir.

7 Q Secondly, you also found materials at or  
8 about the kitchen table of this house, is that  
9 true?

10 A That's correct.

11 Q Those items were used, if you know, were  
12 they used for the smoking or ingestion of  
13 controlled dangerous substances, in this  
14 particular case cocaine?

15 A That's correct.

16 Q Now, did you, did you eventually in your  
17 recovery process of those items handle them?

18 A Yes, I did, when they were recovered.

19 Q That was after the fingerprints  
20 technician had dusted them for prints, is that  
21 correct?

22 A That's correct. Best of my knowledge,  
23 yes, sir.

24 Q Were you there at the time that these  
25 items were dusted for fingerprints?



1           A     Yes, I was.

2           Q     Were you there when the doors and other  
3 areas of the house were dusted for fingerprints?

4           A     Yes, sir, I was, sir.

5           Q     That was a process that took several  
6 hours, is that correct?

7           A     That's correct, sir.

8           Q     Now, eventually you recovered these  
9 items and took them into custody?

10          A     That's right.

11          Q     Did you also recover the clothing of the  
12 individuals?

13          A     Yes, we -- We didn't. I didn't recover  
14 the clothing from the individuals. They were  
15 taken with the victims.

16          Q     So you would not be the recovering  
17 officer for the clothes then, is that correct?

18          A     That's correct.

19          Q     I have no further questions.

20                         REDIRECT EXAMINATION

21         BY MR. MURPHY:

22                 Q     Officer Roop, I forgot to ask you a  
23 question. I believe Mr. Tayback got into it so  
24 I'll ask you the question I forgot to ask you.

25                         Let me show you what has been marked as

1 State's Exhibit, State's Exhibit Number 2, do you  
2 recognize this object?

3 A Yes, sir, this is, this is a jar of  
4 grain alcohol that I recovered off the, off the  
5 kitchen table.

6 Q Kitchen table at 4711 Navarro?

7 A Right.

8 Q Did you turn this into the evidence  
9 control unit, this object, State's Exhibit Number  
10 2?

11 A Yes, I did.

12 Q Going to show you what has been marked  
13 as State's Exhibit Number 6, what is that a  
14 photograph of?

15 A This is a photograph of the kitchen  
16 table which shows the bottle of grain alcohol  
17 right here on the corner of the table which was  
18 this exact same bottle.

19 Q Does this bottle of grain alcohol here  
20 in my hand now appear to be in substantially the  
21 same condition now as it did when you picked it up  
22 from the table of 4711 Navarro?

23 A That's correct.

24 MR. MURPHY: I would offer, Your Honor,  
25 this into evidence at this time.

1 MR. TAYBACK: No objection.

2 THE COURT: Very well.

3 (Whereupon, so marked in evidence.)

4 Q Officer Roop, you were asked about  
5 recovery or finding of some money in there. Just  
6 so the jury understands your function and the  
7 function of the homicide detective. Was it your  
8 function to conduct the investigation in a search,  
9 whatever kind of search was done of this place or  
10 was your function to preserve the scene for the  
11 homicide detective and let his investigation take  
12 its proper course?

13 A I have to preserve the scene for the  
14 investigators to take over from there.

15 Q So you yourself didn't conduct any kind  
16 of real get your hands on type search of this  
17 premises, did you?

18 A No, sir.

19 Q You don't know what Detective Requer did  
20 along those lines?

21 A That's right. All I did was secure the  
22 scene and waited for Detective Requer from  
23 homicide to show up and they would decide at that  
24 point what steps they were going to take to  
25 continue the investigation.

1 MR. MURPHY: Your Honor, I have no other  
2 questions.

3 MR. TAYBACK: No recross.

4 THE COURT: You may step down. Thank  
5 you very much.

6 A Thank you.

7 DETECTIVE OSCAR REQUER,  
8 a witness produced on call of the State, having  
9 first been duly sworn, according to law, was  
10 examined and testified as follows:

11 THE CLERK: State your name and  
12 assignment.

13 THE WITNESS: Detective Oscar Requer,  
14 assigned to CID, Homicide.

15 DIRECT EXAMINATION

16 BY MR. MURPHY:

17 Q Detective Requer, how long have you been  
18 a Baltimore City Police officer?

19 A Twenty three years.

20 Q Where have you been assigned during  
21 those twenty-three years?

22 A I was assigned -- Well, I have been  
23 assigned to CID for approximately eighteen years.  
24 I was assigned to CID narcotic unit for  
25 approximately six years, then I worked escape and

1 apprehension, fugitive unit for an additional six  
2 years. I've been now with the homicide unit for  
3 approximately eight years.

4 Q And CID, what does that mean?

5 A It's criminal investigation unit,  
6 specialized unit within the police department.  
7 Handles certain crimes, specializes in certain  
8 crimes.

9 Q During your eight years as a criminal  
10 investigation division homicide unit detective,  
11 how many homicides have you investigated?

12 A Several hundred.

13 Q Detective Requer, directing your  
14 attention to the homicide, the double homicide we  
15 are interested in here in this case, did you have  
16 occasion to respond pursuant to a call on June  
17 2nd, 1986, to go to 4711 Navarro Avenue?

18 A Yes, sir. It was approximately at 5:30  
19 a.m. on the 2nd of June 1986, received a call from  
20 Officer Roop, Northwest District, requesting our  
21 assistance at 4711 Navarro Road for a possible  
22 double homicide.

23 Q How was it that you were the detective  
24 who got this call?

25 A I was in the office at that time. It

1 was a term they use I was up, I was the next  
2 detective out.

3 Q Simply random?

4 A Yes, sir.

5 Q Did you, in fact, respond to 4711  
6 Navarro Avenue?

7 A Yes, sir, myself accompanied by Sergeant  
8 Landsman responded to that location. We arrived  
9 there approximately ten to twelve minutes after we  
10 received the call.

11 Q Did you meet Officer Roop there at the  
12 door?

13 A Yes, sir, we met Officer Roop and  
14 several other people standing out in front of 4711  
15 Navarro Road upon our arrival.

16 Q As far as you know, had Officer Roop  
17 preserved the crime scene for you?

18 A He had.

19 Q Was the door open or closed when you  
20 arrived?

21 A The door was closed.

22 Q Did you inspect these premises to see if  
23 you could determine whether or not there had been  
24 forced entry of any nature into the premises?

25 A Yes, sir. I examined the front door in

1 addition to the rear door and the windows, there  
2 wasn't any evidence of forced entry to the  
3 premises.

4 Q What kind of premises is this anyhow?

5 A 4711 Navarro Road is a two story  
6 dwelling. It is situated at the end of  
7 approximately seven other apartments. They  
8 consist of four rooms and one bathroom. The four  
9 rooms are, on the first floor there is a living  
10 room, a kitchen. On the second floor there is a  
11 bedroom to the rear, in the center there is a  
12 bathroom and front bedroom.

13 Q Did you enter the premises?

14 A Yes, sir. After speaking with Officer  
15 Roop briefly I did, in fact, enter 4711 Navarro  
16 Road and upon my entrance into the living room I  
17 observed a female. She was seated on the west  
18 wall in the chair. She had sustained a gunshot  
19 wound to the head. In addition appeared to be  
20 contact wound to her right hand. At the base of  
21 the steps at that location there was a second  
22 female victim. She had sustained massive gunshot  
23 wound to her head. They were only two people on  
24 the premises.

25 Q Was there anything of consequence

1 upstairs?

2 A No, sir.

3 Q Now, detective, I'm going to show you a  
4 series of photographs, ask you to explain what  
5 they are as we go along and eventually the jury's  
6 going to be allowed to view these photographs.

7 Let me show you, first of all,  
8 detective, State's Exhibit Number 3 and State's  
9 Exhibit Number 4, what are they photographs of?

10 A All right. Exhibit Number 3 is a  
11 photograph, a closeup photograph of 4711 Navarro  
12 Road which shows the front door of the premises in  
13 addition to the second floor of it.

14 Exhibit Number 4 is the same photograph  
15 from a distance this time and it shows 4711  
16 Navarro Road in addition to 4713 Navarro Road.

17 Q Do those two photographs fairly and  
18 accurately depict the scene as you viewed it on  
19 June 2nd, 1986?

20 A Yes, sir, they do.

21 Q I would offer them into evidence, Your  
22 Honor.

23 MR. TAYBACK: Objection, Your Honor, for  
24 the reasons previously stated.

25 THE COURT: Objection overruled.



1 (Whereupon, so marked in evidence.)

2 Q Detective, you had occasion to observe  
3 the bodies of two dead women in the apartment. I  
4 assume you observed other physical items of  
5 evidence. In particular let me focus you for a  
6 minute on the kitchen. Was there anything found  
7 in the kitchen of significance to this case here?

8 A Yes, sir. Located on the kitchen table  
9 there was drug paraphernalia.

10 Q What do you mean by that?

11 A All right, items that is usually used by  
12 person or persons for the consumption of cocaine  
13 or CDS, controlled dangerous substances.

14 Q Show you what is in evidence now,  
15 State's Exhibit Number 22, was that found on the  
16 kitchen table in the first floor of this  
17 apartment?

18 A Yes, sir, this is grain alcohol bottle  
19 containing the white substance. It was found on  
20 the kitchen table at that location.

21 Q You mean white substance or clear  
22 substance?

23 A It's a clear substance. I'm sorry.

24 Q Is this what is known as cocaine  
25 paraphernalia?

1           A       It's grain alcohol. Yes, sir, it is  
2 used as an accelerant.

3           Q       Show you a photograph that has been  
4 marked already as State's Exhibit Number 6. What  
5 does that show?

6           A       All right, this is a photograph of the  
7 kitchen at 4711 Navarro Road. You can see on the  
8 table there is some grain alcohol in addition to  
9 baking soda, water, several cups. There's a  
10 screwdriver with, I believe it's like a wire type  
11 substance, be like a brillo pad wrapped around  
12 it. There's cloths, pack of cigarettes, glasses  
13 and several other items.

14          Q       These items, as far as you know, are  
15 they items which are used in the personal use of  
16 cocaine?

17          A       Yes, sir, they are.

18          Q       These items as they are shown in State's  
19 Exhibit Number 6, are these exactly how they were  
20 when you found them?

21          A       They are.

22          Q       Are they covered up and hidden in any  
23 way or are they laying out openly?

24          A       Laying out openly on the table.

25          Q       Show you what has been marked as State's

1 Exhibit Number 5. What does that show?

2 A This is a photograph again of the  
3 kitchen and it shows the table in addition to the  
4 closet that was located in the kitchen and there  
5 is some clothing in the closet and again  
6 paraphernalia on the table and accurately depict  
7 the condition of the house on the 2nd of June.

8 Q So, State's Exhibit Number 5 and Number  
9 6, do they fairly and accurately depict the scenes  
10 as you saw them on the morning of June 2nd, 1986?

11 A Yes, sir.

12 Q I would offer 5 and 6 into evidence.

13 MR. TAYBACK: Again objection for the  
14 same reason, Your Honor.

15 THE COURT: Objection is overruled.

16 (Whereupon, so marked in evidence.)

17 Q Detective, let's focus now on the  
18 victims or the dead people you found in that  
19 place. Focusing first on the lady who was found  
20 at the bottom of the steps. What was her name,  
21 detective?

22 A Her name is Deborah Veney. Was Deborah  
23 Veney, rather.

24 Q That's V-e-n-e-y?

25 A Yes, sir.

1 Q And where does she live?

2 A She lived at 4711 Navarro Road.

3 Q That was her house?

4 A Yes, sir.

5 Q Describe, if you could, detective, the  
6 condition of her head as you viewed it?

7 A She sustained a massive gunshot wound to  
8 the head which completely obliterated the top of  
9 her head in addition to her face. Her brain was  
10 missing from her head. She had quite a bit of  
11 blood beneath her head. She -- it was determined  
12 she only sustained one gunshot wound, single  
13 gunshot wound to the head.

14 Q You say the brain was missing from her  
15 head. Where was the brain found?

16 A We later discovered her brain on the  
17 steps of the premises, approximately seven, eight  
18 steps from her body.

19 Q Let me show you what has been marked,  
20 detective, as State's Exhibit Number 7. What does  
21 that photograph show?

22 A This is a closeup shot of Ms. Veney.  
23 You can clearly see the cranial cavity which is  
24 vacant, which is empty rather. You can see the  
25 mass of blood, in addition to the blood

1 splattering, her hands are extended above her  
2 head.

3 Q Is that how you found the body of Mrs.  
4 Veney?

5 A Yes, sir, it is.

6 Q Let me show you State's Exhibit Number  
7 8. What is that a photograph of?

8 A This is also a photograph of Mrs.  
9 Veney. You can see the overall body now. She is  
10 -- the telephone cord is extended and it is  
11 wrapped around, be her right foot. On the west  
12 wall is a small type coffee table, which in one of  
13 the cups you can see a portion of Ms. Veney's  
14 brains. Also there is blood splattered on the  
15 west wall here.

16 Q You mentioned a telephone cord.  
17 Describe what that was all about.

18 A The telephone cord is extended and  
19 wrapped around Ms. Veney's right leg. The  
20 telephone receiver and the base of the phone is on  
21 the step approximately three steps from where she  
22 lie.

23 Q Where did the telephone cord lead up to,  
24 where was it plugged in?

25 A It was plugged in on the second floor of

1 the premises.

2 Q Detective, State's Exhibit Number 9,  
3 what does that show?

4 A This is the staircase at 4711 Navarro  
5 Road. Approximately six steps up is a large mass  
6 of brain matter which was Ms. Veney's brain. The  
7 next step up was a smaller portion of her brain.  
8 On the west wall there is blood splattering.  
9 There is two cans of, I believe, furniture  
10 polish. In addition, you can see the telephone  
11 cord extended.

12 Q Now, she was found at the bottom of  
13 these steps?

14 A Yes, sir, that is correct.

15 Q This large, the biggest piece of brain  
16 was found you said about the sixth step up?

17 A That's correct, sir.

18 Q There is a somewhat smaller piece of  
19 brain found on the seventh step up?

20 A Yes, sir.

21 Q Let me show you, detective, State's  
22 Exhibit Number 11, what does that show?

23 A Again, this is a photograph of a  
24 stairwell at 4711 Navarro Road. This photograph  
25 was taken from the top of the step and you could

1 see blood splatter in addition to blood matter on  
2 the west wall. Looking down the steps you can see  
3 large portions of Ms. Veney's brain. In addition  
4 you will see Ms. Veney's legs at the bottom of the  
5 steps. On the north wall there is additional  
6 blood splattering.

7 Q Does that blood and brain splattering  
8 extend just over a short distance from where her  
9 body was found or over a larger than short  
10 distance?

11 A It's extended distance. It's  
12 approximately six or seven feet.

13 Q From where?

14 A From the top of the ceiling down to  
15 where she lie.

16 Q Let me show you, detective, State's  
17 Exhibit Number 12. What does that depict?

18 A This is the, again, the west wall at the  
19 top of the steps at 4711 Navarro Road. It's a  
20 closeup photograph of the blood splattering and  
21 the blood, I am sorry, the brain matter on the  
22 wall.

23 Q How many steps are there, if you  
24 remember, altogether from the bottom up to the  
25 top?

1           A       I would say approximately thirteen.

2           Q       Let my show you, detective, State's  
3 Exhibit Number 13, what does that depict?

4           A       All right, this is parts of Ms. Veney's  
5 brain. Correction. That's part of Ms. Veney's  
6 skull. As you can see it have a black substance  
7 on it which is stippling.

8           Q       What does that mean, detective,  
9 stippling?

10          A       Stippling is powder residue from a  
11 gunshot and usually when a weapon is held to a  
12 person, or in close proximity of a person, it will  
13 leave that as observed on this picture here.

14          Q       That piece of Mrs. Veney's skull with a  
15 stippling on it, where was that found?

16          A       That also was found on the upper steps  
17 at 4711 Navarro Road away from the body.

18          Q       Did you inspect the area around the body  
19 of the victim, Mrs. Veney, at the bottom of the  
20 steps for other items of evidentiary significance?

21          A       Yes, sir.

22          Q       What did you find, if anything?

23          A       There was a spent projectile at Ms.  
24 Veney's foot.

25          Q       What do you mean a spent projectile?



1           A       It was a bullet that had been fired.

2           Q       That was found near where, again?

3           A       I believe it was her left leg.

4           Q       Of Ms. Veney at the bottom of the steps?

5           A       I am sorry, yes, Ms. Veney at the steps,  
6       that's correct.

7           Q       Let me show you State's Exhibit Number  
8       10. What does that show?

9           A       This is the photograph of Ms. Veney, Ms.  
10       Veney's feet and, as you can notice, the cord  
11       wrapped around the foot, and in addition to the  
12       spent projectile which is located right at her --  
13       I'm sorry, this is the right foot, not her left  
14       leg rather.

15          Q       Was the spent projectile which is shown  
16       in that photograph at the feet of victim Veney  
17       recovered by you and turned into the Baltimore  
18       City Police Department?

19          A       Yes, sir, it was recovered and submitted  
20       to the firearms section of the police department.

21          Q       The photographs I just got finished  
22       showing you, detective, that is State's Exhibit 7,  
23       8, 9, 10, 11, 12 and 13, do they fairly and  
24       accurately depict the scene as you observed it on  
25       June 2nd, 1986?

1           A     Yes, sir.

2           Q     I would offer these into evidence, Your  
3 Honor.

4           MR. TAYBACK:   Same objection, same  
5 reason.

6           THE COURT:   Overruled.   The objection is  
7 noted.   The pictures will be received.

8           (Whereupon, so marked in evidence.)

9           Q     Detective, let's now focus on the second  
10 victim.   What was her name?

11          A     Glenita Johnson.

12          Q     Did she have any nickname that you are  
13 aware of?

14          A     Yes, sir, Peaches.

15          Q     P-e-a-c-h-e-s.   Where was she found,  
16 detective?

17          A     She was found in the living room of 4711  
18 Navarro Road.   She was seated in a chair against  
19 the west wall.

20          Q     Do you know whether she lived there or  
21 did she live somewhere else?

22          A     No, sir, she did not live there.   She  
23 lived at, I believe, its 2737 Classen.  
24 C-l-a-s-s-e-n I believe it is.

25          Q     How far from where the body of Ms. Veney

1       rested did the body of Ms. Johnson rest?

2           A       Approximately five, five feet.

3           Q       From where Ms. Johnson was seated when  
4       you found her dead, could you see where Ms.  
5       Veney's body had landed?

6           A       Yes, sir.

7           Q       Nothing in the way?

8           A       Nothing at all.

9           Q       Let me again show you, detective, a  
10       series of photographs. Let me start in the middle  
11       of the numbers and show you State's Exhibit 19 and  
12       20. What do they show?

13          A       Exhibit 19, it shows a photograph of Ms.  
14       Johnson as she was seated in the chair. Her head  
15       is tilted to the left. You can also see Ms.  
16       Veney's body at the end of the steps and you can  
17       see the splattering of blood on the north wall.  
18       Exhibit Number 20 is a closeup of Ms. Johnson.  
19       You can see the stairwell in addition to the  
20       coffee table I spoke of and you see the blood  
21       splattering from Ms. Johnson's head on the carpet  
22       in addition to the west wall.

23          Q       Is that exactly how you found the body  
24       of Ms. Johnson in that chair?

25          A       Yes, sir.

1           Q     Let me show you, detective, State's  
2     Exhibit 17 and 18, what do they show?

3           A     17 is a closeup of Ms. Johnson as she  
4     was seated in the chair. On the arm of the chair  
5     you can see part of her brain. It's a closeup  
6     photograph of the carpeting which is blood soaked  
7     in addition to the wall which is blood  
8     splattered.

9                     Photograph number 18 is a closeup of  
10    contact wound to Ms. Johnson's head. Noted on  
11    her, I believe her left shoulder is a small bullet  
12    fragment. Also there is some blood on the  
13    shoulder in addition to the fragment.

14          Q     Detective, again, what do you mean by a  
15    contact wound when you say there was a contact  
16    wound to the head of Ms. Johnson in this chair?

17          A     It means that the weapon was placed  
18    against her head when fired.

19          Q     Detective, let me show you what has been  
20    marked as State's Exhibit Number 16, what does  
21    that depict in regard to victim Glenita Johnson in  
22    the chair?

23          A     This photograph shows Ms. Johnson's,  
24    will be her left hand, there is some hair which we  
25    determined came from her own head. Her right

1 hand, there is a contact wound or powder burns on  
2 the back of her hand and you can see her finger  
3 squeezed real tight between her fingers, between  
4 her other two fingers and there is a small  
5 fragment. Correction, a stippling to the back of  
6 her hand.

7 Q Stippling on the back of, was it this  
8 time left hand in the picture?

9 A Yes.

10 Q What does that indicate?

11 A Contact.

12 Q To her left hand as well as to her head?

13 A Yes, that's correct.

14 Q The right hand had hair in it?

15 A A clump of her hair, yes, sir.

16 Q Are her hands still up on her head or on  
17 her lap or what?

18 A No, sir, they are resting near her lap.

19 Q Show you State's Exhibit Number 15,  
20 detective, what is that a photograph of?

21 A All right, this is a closeup photograph  
22 of Ms. Johnson's, it is her right, correction,  
23 it's her left hand. I get confused now.

24 Q Keep your voice up.

25 A It's her left hand. There on her left

1 leg, there is some hair, there is a small bullet  
2 fragment and you can see also in the chair there  
3 is some brain matter.

4 Q Is that brain matter on her chair her  
5 brains or Ms. Veney's brains, if you could tell?

6 A It belonged to Ms. Johnson.

7 Q State's Exhibit 14, what does that show?

8 A This is closeup photograph of Ms.  
9 Johnson's leg and you can notice again there is a  
10 small bullet fragment and a very, very minute  
11 particle of her brains there. And you can also  
12 see her hair down there.

13 Q Finally, detective, State's Exhibit  
14 Number 21 and 22, what do they show?

15 A This is the overall photograph of the  
16 living room of 4711 Navarro Road. It shows the  
17 television and the other furniture in the  
18 apartment. This is the couch, and the coffee  
19 table and as you can clearly see there is no  
20 evidence of a struggle there.

21 Q No evidence of a struggle?

22 A Yes, sir.

23 Q Detective, the pictures I just showed  
24 you, that is State's Exhibit 14, 15, 16, 17, 18,  
25 19, 20, 21 and 22, do they fairly and accurately

1 depict the scene as you saw it on June 2nd, 1986?

2 A Yes, sir.

3 Q Your Honor, I would offer them into  
4 evidence at this time.

5 THE COURT: Very well.

6 MR. TAYBACK: Same objection, same  
7 reasoning, Your Honor.

8 THE COURT: Objection is noted.

9 (Whereupon, so marked in evidence.)

10 Q Detective, you spoke of some spent  
11 bullets and fragments and things of that nature  
12 which were found by you in certain locations, some  
13 of which are pictured in the photographs, I guess  
14 some of which are not. I'm going to ask you,  
15 detective, show you a number of vials and packets  
16 and ask if you can identify these items.

17 First of all, detective, let me show you  
18 what has been marked as State's Exhibit Number  
19 24. What is that?

20 A Yes, sir. This is the spent projectile  
21 that was recovered from the leg of Ms. Veney.  
22 Have the date on it and the crime lab control  
23 numbering. It also have the technicians' initials  
24 on it.

25 Q All right. That's the spent bullet

1 found near the leg of victim Deborah Veney?

2 A Yes, sir.

3 Q Is that shown in State's Exhibit Number  
4 10?

5 A It is.

6 Q Does it appear to you today to be in  
7 substantially the same condition as it was when  
8 you found it near Ms. Veney's leg?

9 A Yes, sir.

10 Q Your Honor, I would offer State's  
11 Exhibit Number 24 into evidence.

12 (Whereupon, so marked in evidence.)

13 Q Detective, you mentioned some other  
14 projectiles. Let me show you State's Exhibit  
15 Number 25, what is that and where was that found?

16 A All right, this is a --

17 Q Keep your voice up.

18 A This is a fragment that was recovered on  
19 the living room floor at 4711 Navarro Road from  
20 brain matter. It have the CC number which is 66 H  
21 3337 in addition to the date which is 2,  
22 correction, 6-2-86, and also have a technician's  
23 initial.

24 Q Who is that technician?

25 A Sal Bianca.



1           Q     Is he someone who was called there by  
2     you to assist you in investigating the crime  
3     scene?

4           A     Yes, sir.

5           Q     How does a fragment differ from a spent  
6     projectile?

7           A     Spent projectile is the entire bullet.  
8     A fragment is fragmentized after it hit something,  
9     fragmentized.

10          Q     Much smaller?

11          A     Lot smaller, yes, sir.

12          Q     Let me show you State's Exhibit 23.  
13     What is that and where was that found?

14          A     Again, this is a small fragment. This  
15     was recovered from Ms. Johnson. It was on her  
16     left shoulder. It was recovered by Sal Bianca.  
17     Have the CC number and the date.

18          Q     Is that fragment from Glenita Johnson's  
19     left shoulder shown in some of these photographs?

20          A     Yes, sir.

21          Q     Show you State's Exhibit Number 26.

22          A     All right, this is a very, very small  
23     fragment and it was recovered from Ms. Johnson who  
24     was seated in the chair. Also have the CC number  
25     in addition to the date and Sal Bianca again

1 recovered it.

2 Q Is that shown somewhere in one of these  
3 photographs?

4 A Yes, it is.

5 Q This fragment from Glenita Johnson on  
6 the chair?

7 A Yes, sir, it's depicted in the  
8 photographs.

9 Q State's Exhibit Number 27, what is that?

10 A This is the fragment. This is a  
11 fragment that was recovered from Ms. Johnson's  
12 left leg on the 2nd of June 1986, and it was  
13 recovered by Sal Bianca and it too is depicted on  
14 the photographs, in the photographs rather.

15 Q Detective, State's Exhibit 23, 25, 26  
16 and 27, do they appear to you to be in  
17 substantially the same condition today as they  
18 were when they were recovered at the crime scene?

19 A Yes, sir.

20 Q I would offer them into evidence, Your  
21 Honor.

22 (Whereupon, so marked in evidence.)

23 Q Detective, you did have occasion, did  
24 you not, to go down to the Medical Examiner's  
25 Office where they perform autopsies and receive

1       some items from the medical examiner in this case?

2           A       Yes, sir, I did.

3           Q       Do you recall his or her name?

4           A       Doctor William Zane performed the  
5       autopsy.

6           Q       Did you receive certain items of  
7       evidentiary value in this case from Dr. Zane?

8           A       Yes, sir. I received some fragments  
9       that were recovered from Ms. Veney in addition to  
10      a bullet that was recovered from Ms. Johnson.

11          Q       Let me show you, detective, State's  
12      Exhibit 28-A, B and C. From which of those two  
13      women was 28-A, B and C found during an autopsy?

14          A       They were all recovered from the body of  
15      Ms. Johnson.

16          Q       The body of Ms. Johnson?

17          A       Yes, sir.

18          Q       All right. 28-A, is that a fragment or  
19      a projectile?

20          A       It is a jacket recovered from a bullet,  
21      from a projectile, and it was recovered from Ms.  
22      Johnson on the 2nd of June, 1986.

23          Q       Does it indicate where from the body of  
24      Ms. Johnson that item was found?

25          A       The cranial vault, from her head.

1           Q       28-B, what is that item and where was  
2 that found in regard to Ms. Johnson?

3           A       This is a fragment and it was recovered  
4 from Ms. Johnson's right hand.

5           Q       State's Exhibit 28-C, what is that and  
6 where was that found?

7           A       This is a fragment and it was recovered  
8 from Mrs. Johnson -- Ms. Johnson's, rather, left  
9 knee.

10          Q       Detective 28-A, B and C, the items you  
11 received from the Medical Examiner's Office after  
12 the autopsy, do they appear to you today to be in  
13 substantially the same condition as when you  
14 received them from Dr. Zane?

15          A       Yes, sir.

16                 MR. MURPHY: I would offer these into  
17 evidence, Your Honor.

18                 THE COURT: Very well.

19                 (Whereupon, so marked in evidence.)

20          Q       Now, detective, the various items we  
21 have been talking about here, that is, the bullets  
22 and fragments found at the crime scene as well as  
23 the bullets and fragments received from the  
24 autopsy, did you turn them in somewhere within the  
25 police department?

1           A     Yes, sir, they were turned over to the  
2 firearms section to be examined by the ballistic  
3 expert.

4           Q     Do you know who that ballistic expert  
5 was?

6           A     Yes, sir. Joseph Kopera.

7           Q     Why, detective, why do you turn things  
8 in to Mr. Kopera in the ballistics lab?

9           A     Mr. Kopera is an expert as far as  
10 matching projectiles to weapons.

11          Q     Now, detective, did there come a time  
12 later on during this investigation when you came  
13 in contact with what I'm holding in my hand right  
14 now, which has been marked as State's Exhibit  
15 Number 1?

16          A     Yes, sir.

17          Q     Where did you come in contact with that  
18 item?

19          A     In New York City.

20          Q     Did you receive it from a certain person  
21 up there?

22          A     Yes, sir, I did.

23          Q     Who is that?

24          A     Mr. John Capers of the State's  
25 Attorney's Office, New York City.

1           Q     What is his function up there in New  
2     York City?

3           A     He's an investigator with the Manhattan  
4     State's Attorney's Office in New York City,  
5     investigating homicides in that city.

6           THE COURT:   I think we call it the  
7     District Attorney's Office there.

8           A     Yes, sir.   I am sorry, District  
9     Attorney's Office, correct.

10          Q     Do you recall what date you first saw  
11     State's Exhibit Number 1 up in New York City?

12          A     Yes, sir.   It was August the 8th.   I  
13     believe it was.

14          Q     Did there come a time when you brought  
15     State's Exhibit Number 1 from New York City down  
16     here to Baltimore?

17          A     Yes, sir.   It was in September,  
18     September 26th I received it from Mr. Capers and  
19     returned it to Baltimore.

20          THE COURT:   Mr. Murphy, I hate to  
21     interrupt you while you are in the middle of this  
22     but I have a sentence review hearing in my  
23     chambers right now and Judges -- this is off the  
24     record.

25                     (Discussion off the record.)

1 THE COURT: Ladies and gentlemen, we are  
2 going to break now for the luncheon recess. I'd  
3 ask that you report back at 2 o'clock for  
4 resumption of the trial.

5 I'd ask the staff to report here at  
6 1:30.

7 AFTERNOON SESSION

8 (Whereupon, the jury entered the  
9 courtroom, after which the following proceedings  
10 ensued:)

11 THE COURT: Detective Requer.

12 DETECTIVE OSCAR REQUER,  
13 a witness produced on call of the State, having  
14 first been previously duly sworn, according to  
15 law, resumed the stand, was examined and testified  
16 as follows:

17 THE CLERK: Remind you, you are still  
18 under oath. Again, for the record, state your  
19 name and assignment.

20 THE WITNESS: Detective Oscar Requer,  
21 CID, Homicide.

22 MR. BRAVE: Just for the record, State  
23 is satisfied that none of its witnesses are  
24 present.

25 THE CLERK: Defense satisfied?

1 MR. TAYBACK: Yes, Your Honor.

2 THE COURT: Before we begin, ladies and  
3 gentlemen, it has come to my attention that, or I  
4 know that at least two or three jurors came right  
5 on in the courtroom. Because I was here I  
6 directed you up to the jury assembly room. Please  
7 do not wait out in the hallway when you come back  
8 from a recess. If you will come right on in and  
9 go right directly on up to the jury assembly room,  
10 we would rather you do that. We don't want you  
11 out in the hallway where there might be some  
12 possibility of a juror overhearing conversations  
13 or mixing with witnesses in the case because you  
14 don't even know who those witnesses are going to  
15 be from time to time.

16 The other thing is, let me take this  
17 opportunity to readmonish you and readvise you to  
18 please do not under any circumstances read any  
19 newspaper articles or follow any other news media  
20 covering of this trial.

21 All right, Mr. Murphy.

22 MR. MURPHY: Thank you, Your Honor.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. MURPHY:

25 Q Detective, before lunch, I believe when



1 we broke off you were talking about State's  
2 Exhibit Number 1, this gun. You said you received  
3 it from John Capers in New York in September after  
4 seeing it in New York and in August, and in  
5 September you brought it back down to Baltimore?

6 A Yes, sir.

7 Q And you turned it in to the ballistics  
8 laboratory of the City Police Department?

9 A That's correct.

10 Q Which is the same place you turned in  
11 these items which were found at the crime scene  
12 and these items which you got from the Medical  
13 Examiner's Office?

14 A Yes, sir.

15 Q I believe, I think I left out one item  
16 here. Let me show you State's Exhibit 29. Is  
17 this something you also received from the Medical  
18 Examiner's Office?

19 A Yes, sir. This is a small fragment that  
20 was removed from Ms. Veney's head during the  
21 autopsy.

22 Q Is that in substantially the same  
23 condition now as it was when you received it?

24 A Yes, sir.

25 MR. MURPHY: I would offer State's

1 Exhibit 29 into evidence.

2 (Whereupon, so marked in evidence.)

3 Q Now, detective, this item here, State's  
4 Exhibit Number 1, what kind of a gun is this?

5 A This is a 357 Magnum with a four inch  
6 barrel.

7 Q Is that item here in substantially the  
8 same condition now as it was when you received it  
9 from Detective Capers in New York?

10 A Yes, sir, it is.

11 MR. MURPHY: Your Honor, I would offer  
12 this item into evidence.

13 THE COURT: Very well.

14 (Whereupon, so marked in evidence.)

15 Q You called a crime lab technician by the  
16 name of Sal Bianca to come down and conduct  
17 certain tests at the scene of the crime, correct?

18 A That's correct, sir.

19 Q One of the things that he did was, was  
20 that to draw a map or a sketch of the first floor  
21 of 4711 Navarro Road?

22 A Yes, sir.

23 Q Were you there when he drew such a  
24 sketch?

25 A I was.

1 Q Detective, behind you is a large sketch,  
2 do you recognize that?

3 A Yes, sir, it's a large, it's a large  
4 sketch of 4711 Navarro Road.

5 Q Was that large sketch taken from a  
6 smaller sketch that you saw drawn in your  
7 presence?

8 A It was, sir.

9 Q Does this large sketch which has been  
10 marked as State's Exhibit Number 30 fairly and  
11 accurately depict how the first floor looked on  
12 June 2nd, 1986?

13 A Yes, sir.

14 Q There are various things written on this  
15 sketch here. For example, where my finger is  
16 pointing, what is written there?

17 A That's the position of Ms. Veney's body  
18 as observed on the 2nd of June, 1986.

19 Q What is this here?

20 A That is the stairs, steps leading to the  
21 second floor of the premises.

22 Q What is this item right here?

23 A That's where the bullet was recovered  
24 from.

25 Q Laying by Ms. Veney's leg?

1           A       That's correct.

2           Q       What is here?

3           A       That is a sketch of the area where Ms.  
4 Johnson's body was discovered.

5           Q       Where is the front door, detective?

6           A       It would be here. Right here.

7           Q       Navarro Road is here or there?

8           A       Navarro, that parallels this front  
9 door. Runs the same way as the front door.

10          Q       This is the back door here?

11          A       Yes, sir.

12          Q       The table where the items of narcotics  
13 paraphernalia were found, where is that?

14          A       Here, sir.

15               MR. MURPHY: Your Honor, I would offer  
16 State's Exhibit Number 30 into evidence.

17               THE COURT: Very well.

18               (Whereupon, so marked in evidence.)

19               MR. MURPHY: I would also offer, if I  
20 haven't already done so, State's Exhibit Number 7  
21 through 13 which are pictures which were  
22 previously identified.

23               MR. TAYBACK: Your Honor, I think they  
24 have already been introduced as evidence but if  
25 they haven't the objection would have been made.

1 THE COURT: Yes, they have already been  
2 introduced.

3 MR. MURPHY: All right.

4 Q Detective, you were present when  
5 detective, rather, Technician Bianca processed the  
6 scene for fingerprints?

7 A The entire time, yes, sir.

8 Q Did he do that at your direction?

9 A Yes, sir, he did.

10 Q Did you or anyone else in your presence  
11 conduct any type of search of the premises?

12 A I searched the premises, yes, sir.

13 Q What, how would you describe that  
14 search, what kind of search was it?

15 A A cursory type search. I was looking  
16 for a person, anyone else there, large objects,  
17 things of that nature.

18 Q Did you tear the place apart?

19 A No, sir, I did not.

20 Q Detective, your cursory search of the  
21 premises, did you find any --

22 MR. TAYBACK: Objection.

23 THE COURT: I haven't heard the question  
24 yet. Finish the question.

25 Q In what you describe as your cursory

1 search of the premises, did you find any large  
2 amounts of money?

3 MR. TAYBACK: Your Honor, I object to  
4 the word cursory unless the officer is going to so  
5 characterize it. Other than that I have no  
6 objection to the question.

7 THE COURT: Well, in your search did you  
8 find any money?

9 A No, sir. Large amounts, no, sir.

10 Q And was there a search of every nook and  
11 cranny of the premises both upstairs and  
12 downstairs or was it something less than that?

13 A It was a lot less than that. I had no  
14 reason to go under mattresses, places like that, in  
15 dresser drawers, in the closet, things like that  
16 during my search. So where I looked at I didn't  
17 find any large amount of currency.

18 Q Detective, in regard to the fingerprint,  
19 you are not the person who examines fingerprints  
20 to determine whose they are, are you?

21 A No, sir, I'm not.

22 Q And Technician Bianca is the one who  
23 lifts the prints?

24 A He does, lifts them and submits them for  
25 to be examined by the fingerprint technician.

1           Q       That is another person by the name of  
2 Robert Purvis who examines and compares the prints  
3 that are gotten with other people's prints?

4           A       He's one of them. He's the technician  
5 that examined the fingerprints in this case.

6           MR. MURPHY: Your Honor, no other  
7 questions on direct.

8                   CROSS EXAMINATION

9 BY MR. TAYBACK:

10          Q       Detective Requer, when you received the  
11 call at the CID, homicide headquarters, you became  
12 then the primary investigating officer on this  
13 case, is that correct?

14          A       Yes, sir, that's correct.

15          Q       You took over the responsibility for  
16 this case from a police officer, a street police  
17 officer by the name of Officer Roop?

18          A       Yes, sir.

19          Q       You arrived on the scene, do you recall  
20 what time of the day or night it was?

21          A       Our response time is approximately  
22 twelve, twelve minutes, put it about 5:45 to 5:43  
23 in the morning.

24          Q       5:45 to 5:43?

25          A       Yes, sir.

1           Q     What time did you leave the scene? Do  
2     you recall at this time? If you recall or if --  
3     do your notes indicate that?

4           A     Several hours.

5           Q     How many hours?

6           A     Fair estimate I would say two hours, two  
7     and a half hours maybe.

8           Q     During that period of time you had the  
9     technicians both from the crime lab or from  
10    whatever other police department, departments  
11    there were, investigate the scene for evidence, is  
12    that correct?

13          A     Yes, sir, that's correct.

14          Q     Who was there of those technicians who  
15    were to find and preserve evidence?

16          A     Sal Bianca was one. There was another  
17    technician. I have to look in my reports for  
18    that.

19          Q     Was that individual who drew this  
20    diagram, is his name French?

21          A     That's correct, he was the second person  
22    there.

23          Q     So you had two crime lab technicians  
24    going through the scene to preserve the evidence  
25    that they could find?



1           A     Gather, yes, sir.

2           Q     Among other things they gathered the  
3 evidence from the kitchen table, is that true?

4           A     Kitchen table was what we -- it was CDS  
5 paraphernalia and they can't recover it. It would  
6 have to be a sworn person. So it was Officer Roop  
7 who, in fact, physically recovered that portion of  
8 the evidence.

9           Q     Officer Roop was recovering evidence  
10 because a police officer has to do that but the  
11 point is that that material that was at or around  
12 the kitchen table was recovered, is that true?

13          A     Yes, sir.

14          Q     You also recovered materials from trash  
15 cans?

16          A     That's correct.

17          Q     And you did that both downstairs and  
18 upstairs, isn't that true?

19          A     Yes, sir, that's correct.

20          Q     You recovered various personal letters  
21 or other sort of communications between various  
22 people in upstairs bedrooms, for example?

23          A     Yes, sir, I believe it was several  
24 photographs in small pieces of paper containing  
25 phone numbers.

1           Q     That was all at your or that was all  
2 because you required it as the primary  
3 investigating officer, isn't that true?

4           A     It was at my direction, yes, sir.

5           Q     You also were the individual who  
6 directed the technicians to take fingerprints at  
7 various locations, is that true?

8           A     Yes, sir.

9           Q     These technicians would take  
10 fingerprints on their own at additional locations  
11 but directed them as to certain locations that you  
12 wished dusted for possible fingerprints?

13          A     That's correct, sir.

14          Q     And they did so?

15          A     Yes, sir.

16          Q     Now, is it not correct --

17               MR. BRAVE:  Objection.

18               THE COURT:  Let him finish the  
19 question.  Overruled.

20               MR. TAYBACK:  Is it to the next question  
21 or --

22               MR. BRAVE:  It's to the next question,  
23 Your Honor.

24               THE COURT:  I haven't heard the  
25 question.

1 MR. BRAVE: Can we approach the bench?

2 MR. TAYBACK: Can't think what it was  
3 myself.

4 THE COURT: Come up.

5 (Whereupon, counsel and the Defendant  
6 approached the bench and the following conference  
7 ensued:)

8 THE COURT: What's the objection?

9 MR. BRAVE: If I'm not mistaken, Mr.  
10 Tayback is about to elicit that no fingerprints of  
11 Reuben Rainey were found. This of course is  
12 hearsay.

13 MR. TAYBACK: No. Actually I wasn't  
14 going to do that. To be honest, I have forgotten  
15 now what the question was but it wasn't as to  
16 fingerprints. I know what it was. I was going to  
17 go into money.

18 MR. BRAVE: Oh, Okay. But while we are  
19 here --

20 MR. TAYBACK: He had me going there for  
21 a second.

22 MR. BRAVE: While we are here, the last  
23 time we let it in, last jury, but I didn't ask to  
24 approach the bench at the time, but had I  
25 approached the bench I would have pointed out, as

1 I am now, that that is hearsay, whether Reuben  
2 Rainey's fingerprints were.

3 THE COURT: It is clearly hearsay but,  
4 as I understand it, gentlemen, you intend to  
5 proceed by way of strict proof in this case?

6 MR. TAYBACK: Well, if I may respond?

7 MR. BRAVE: Yes.

8 MR. TAYBACK: I don't disagree that it  
9 is hearsay. I think the information comes in  
10 through an exception because it is in the police  
11 officer's folder which I think would fit either  
12 into official record exception or business record  
13 exception, could come in in that regard, but since  
14 the State is going to bring in, I would assume,  
15 the individual who has more to do with  
16 fingerprints than this officer, fine. I'll leave  
17 it at that. Okay.

18 MR. BRAVE: That's our plan.

19 THE COURT: Objection sustained then.

20 MR. TAYBACK: Not as to this part. All  
21 I said was isn't it true.

22 THE COURT: Objection is sustained as to  
23 whether or not fingerprints --

24 MR. TAYBACK: I won't ask that. All  
25 right.

1 THE COURT: Okay.

2 (Whereupon, counsel returned to the  
3 trial table and proceedings resumed in open  
4 court.)

5 BY MR. TAYBACK:

6 Q Detective Requer, isn't it true that the  
7 money that was recovered from this house amounted  
8 to one dollar and fifty-seven cents in change?

9 A Yes, sir. That amount was found on the  
10 person of Ms. Veney.

11 Q Where was it found on the person of Ms.  
12 Deborah Veney?

13 A In her outer garment. I believe it was  
14 like a black type sheer, I guess you would call it  
15 a robe.

16 Q May I have State's Exhibits, the  
17 photographs?

18 Detective Requer, that outer garment to  
19 which you refer, would that be something like a  
20 light housecoat? Would that be an accurate  
21 description of it?

22 A Yes, sir, I guess you could categorize  
23 it as that.

24 Q Some sort of light coat that she wore  
25 over the jumpsuit that she was wearing, isn't that

1 true?

2 A Yes, sir.

3 Q And that money was found in one of the  
4 pockets of that garment?

5 A That's correct.

6 Q Was any other money found on the person  
7 of Deborah Veney?

8 A No, sir.

9 Q As to that garment itself, does the  
10 Police Department have that in its custody in an  
11 evidence room at this time?

12 A Yes, sir.

13 Q Would you bring that to court if I so  
14 requested of you?

15 A Certainly.

16 Q That housecoat or garment that she was  
17 wearing, did that show any unusual marks or  
18 unusual features on its surface based on your  
19 experience and training? You have been a police  
20 officer for 23 years.

21 A Yes, sir. Pardon me. It was torn.

22 Q Now, with respect to that unusual nature  
23 of it, would you describe that to the ladies and  
24 gentlemen of the jury?

25 A Yes, sir. I believe the right shoulder

1 and upper portion near the arm and the rear, some  
2 part of the rear of the garment was torn.

3 Q Now, it has not been torn subsequently  
4 while it's been in police custody, to the best of  
5 your knowledge, is that true?

6 A To the best of my knowledge, no, sir.

7 Q That's the reason you have it in  
8 evidence control unit so evidence is not tampered  
9 with, damaged or defaced or changed in any way, is  
10 that true?

11 A Yes, sir.

12 Q Now, that garment then basically with  
13 respect to the upper portion of it is torn into  
14 shreads, isn't that true, in the back?

15 A It's torn, yes, sir.

16 Q Substantially torn?

17 A I would say, yes, sir.

18 Q Now, you had indicated that you found no  
19 evidence of a struggle in that household, is that  
20 true?

21 A That's correct.

22 Q Now, unless Deborah Veney then was  
23 wearing a garment that was basically shreaded or  
24 severely torn prior to being killed, would that  
25 not then indicate based on your experience and

1 training that she had been involved in a struggle  
2 and that's how the housecoat had been torn so  
3 severely?

4 MR. MURPHY: Objection.

5 THE COURT: Sustained.

6 Q Are you able to answer that question,  
7 Detective Requer, based on your experience and  
8 training?

9 A As to how Ms. Veney's coat was torn, is  
10 that --

11 Q Does it not indicate to you based on  
12 your experience and training that the housecoat is  
13 evidence of some sort of struggle?

14 MR. MURPHY: Objection.

15 THE COURT: The last question was  
16 whether you could answer that. Are you objecting  
17 to that question?

18 MR. MURPHY: I'm not objecting to that  
19 question. Yes or no.

20 THE COURT: Can you answer that  
21 question?

22 A I believe, yes, sir, I think I can.

23 THE COURT: You think you can answer it?

24 A I believe a person -- the person who  
25 killed Ms. Veney grabbed her and put a gun to her



1 head and shot her and that's probably how the  
2 garment was torn.

3 Q So your understanding of the case then  
4 based on the evidence that you have seen would be  
5 that the person who shot her would have manhandled  
6 her in some fashion, is that correct?

7 MR. MURPHY: Objection.

8 Q If you don't like that term, use  
9 whatever term you like.

10 MR. MURPHY: Objection.

11 THE COURT: I'll sustain the objection.

12 Q Is it not your understanding then based  
13 on your previous answer that there would have been  
14 some sort of physical confrontation between the  
15 person who shot her and her?

16 MR. MURPHY: Objection.

17 THE COURT: I'll overrule it as to that  
18 question.

19 A I believe whoever the person who is  
20 responsible for Ms. Veney's death had to have the  
21 weapon close to her head, had contact with,  
22 contacted it with her head and could possibly been  
23 that the person had grabbed hold of her shoulder  
24 in order to put the weapon to her head before  
25 firing the same.

1           Q     With respect to that garment, would you  
2     be able to bring that to court the next time you  
3     come to court?

4           A     Yes, sir.

5           Q     Would you bring it tomorrow morning  
6     then?

7           A     If you are requesting me to, I will.

8           Q     Yes, sir, I am.

9           A     Yes, I will bring it.

10          Q     As to the situation with respect to your  
11     investigation on the scene, this would be June 2,  
12     1986, or while you were there for several hours,  
13     did anybody else arrive on the scene while you  
14     were there?

15          A     Yes, sir.

16          Q     And who were those people or who was  
17     that person?

18          A     Ms. Jeanette Brown which is a cousin of  
19     Ms. Veney. She arrived shortly after we arrived  
20     there, in addition to Ms. Denise Coleman. She  
21     also arrived, and in company with -- it was  
22     another male with her.

23          Q     With respect to those two people you  
24     have mentioned, that would be Jeanette Brown and  
25     Denise Coleman. Without indicating how you were

1     able to make such a connection, if you can --

2             MR. BRAVE:  Objection.

3             Q     -- were you able --

4             MR. BRAVE:  Ask to approach the bench.

5             THE COURT:  Approach the bench.

6             (Whereupon, counsel and the Defendant  
7     approached the bench and the following conference  
8     ensued:)

9             MR. BRAVE:  Hearsay, Your Honor.  The  
10    question, which I'm sure Mr. Tayback is about to  
11    ask, were you able to make a connection between  
12    Jeanette Brown and Denise Coleman and an  
13    individual by the name of Leroy Boyce, yes.  
14    That's all based on hearsay.

15            MR. TAYBACK:  Well, is there a better  
16    way in which you want me to phrase the question  
17    then?  I wanted to keep him away from anything  
18    that is improper but that's the question.  It's  
19    part of his investigation certainly.

20            You even delved into the situation with  
21    respect to the investigation in your opening  
22    statement.

23            MR. BRAVE:  But this, this witness'  
24    discovery of the fact that there is a connection  
25    between the two, Jeanette Brown and Denise

1 Coleman, is not relevant. It is, it is simply not  
2 relevant.

3 MR. TAYBACK: I think very much it is,  
4 to be honest with you. I can't imagine that it  
5 isn't because they have to do part and parcel with  
6 this drug operation which is relevant and material  
7 to this entire case.

8 THE COURT: I'll sustain the objection.  
9 I don't make any finding that it is not relevant  
10 though.

11 MR. BRAVE: That information that  
12 allowed him to reach that conclusion, the basis  
13 for his conclusion is hearsay.

14 THE COURT: Well, that's -- I mean --

15 MR. TAYBACK: I assume that's the basis  
16 for the Court's ruling.

17 THE COURT: I mean, it has got nothing  
18 to do with relevancy.

19 MR. BRAVE: Second reason is better.

20 THE COURT: I sustain the objection.

21 (Whereupon, counsel returned to the  
22 trial table and proceedings resumed in open  
23 court.)

24 BY MR. TAYBACK:

25 Q Did you ascertain an address for Denise

1 Coleman?

2 A Yes, sir.

3 Q What was that address?

4 A 3735 Manchester.

5 Q Did you ascertain an address for

6 Jeanette Brown?

7 A Yes, sir. She gave an address at that

8 time of 3705 Brice Run Road in Baltimore County.

9 Q Did you determine a different address

10 for her?

11 A Yes, sir, we did.

12 Q What was that?

13 A 3600 Labyrinth Road, Apartment 22-B.

14 THE COURT: Labyrinth Road?

15 Q Labyrinth Road?

16 A Yes, sir.

17 Q Apartment 2?

18 A 22-B.

19 Q 22-B. Did there come a time when you

20 later went to that address?

21 A Yes, sir.

22 Q Did you find at that location materials

23 related to one Leroy Boyce?

24 A I found a letter, yes, sir, with his

25 name.

1 Q Did you later make any determination as  
2 to the connection between Leroy Boyce and 3735  
3 Manchester Avenue?

4 MR. BRAVE: Objection, Your Honor.

5 THE COURT: Sustained.

6 Q Did there come a time later or actually  
7 soon after the beginning of your investigation on  
8 June 2, 1986, that you focused on as the primary  
9 suspect in the case a person?

10 MR. BRAVE: Objection, Your Honor.

11 THE COURT: I'll sustain the objection.

12 Q Did you have a suspect in the matter  
13 after June 2, 1986?

14 MR. BRAVE: Objection, Your Honor.

15 THE COURT: I'll sustain the objection.

16 Q On June 19th, 1986, officer, you  
17 participated in a raid of a house at 862 West  
18 Fayette Street, is that true?

19 A Yes, sir.

20 Q And whose house was that?

21 A It belonged to a Nellie Chew.

22 Q And her last name is spelled how?

23 A C-h-e-w.

24 Q With respect to that raid, did you  
25 recover any materials at that location?

1           A       Pertaining to the homicide or just any  
2 type of --

3           Q       What did you recover?

4           A       It was a large amount of CDS. Well,  
5 cocaine, in addition to a large amount of U.S.  
6 Currency, three handguns, a sawed-off shotgun, and  
7 a large amount of ammunition in addition to bloody  
8 clothing.

9           Q       With respect to the CDS that you have  
10 mentioned, the cocaine, where was that recovered  
11 at 862 West Fayette Street?

12          A       The third floor front bedroom.

13          Q       And whose bedroom was that?

14          A       Miss Nellie Chew's.

15          Q       And who was in that bedroom at the time  
16 that you and the other police officers arrived at  
17 that location?

18          A       There was a -- namely, Miss Chew was  
19 there, Nellie Chew.

20          Q       Number one was Nellie Chew?

21          A       Yes, sir. Jeanette Brown.

22          Q       Jeanette Brown was there. Who else?

23          A       Robert Robinson.

24          Q       Just a moment. Robert Robinson?

25          A       Yes, sir.

1 Q You determined a street name for him?  
2 A Bobbie.  
3 Q Bobbie Bird?  
4 A Bobbie Bird, right.  
5 Q Who else?  
6 A Edward Cooper.  
7 Q Edward Cooper.  
8 A Leroy Boyce.  
9 Q And Leroy Boyce. Now, where were these  
10 guns that were recovered?  
11 A A nine millimeter was recovered from the  
12 bed, the bedroom on top of the bed, .38 caliber  
13 snub nose was in the windowsill, on the  
14 windowsill, rather. It was another automatic  
15 weapon in addition to a sawed-off shotgun that was  
16 secreted in the dresser drawers in the bedroom.  
17 Q Was there just one dresser in that  
18 particular bedroom?  
19 A Yes, sir.  
20 Q And in that dresser secreted as you have  
21 said was another automatic pistol handgun and a  
22 sawed-off shotgun, is that correct?  
23 A That's correct, sir.  
24 Q Sawed-off shotgun means what? Would you  
25 explain that to the ladies and gentlemen of the



1 jury?

2 A It's a sawed-off -- it's a shotgun that  
3 have had its barrel cut off. It's been altered to  
4 make it smaller.

5 Q And with respect to this particular gun,  
6 had its barrel been sawed-off?

7 A Yes, sir.

8 Q Had the stock, which would be the part  
9 that goes into the shoulder of the person, also  
10 been sawed-off?

11 A Yes, sir, it had been.

12 Q So this gun had been reduced to what  
13 length?

14 A Twelve, between twelve and fifteen  
15 inches.

16 Q So it basically was made into a handgun  
17 also, is that correct, except for that it would  
18 use shotgun shells?

19 A A small one, yes, sir.

20 Q With respect to the first police officer  
21 into that bedroom, who was that on June 19th,  
22 1986?

23 A I was one of them.

24 Q Well, were you the first one in the  
25 door?

1           A     You mean to the third floor.

2           Q     Yes?

3           A     Myself and Sergeant Landsman went up to  
4 the third floor.

5           Q     You essentially entered the door  
6 together?

7           A     Together, yes.

8           Q     What occurred when you entered the door?

9           MR. MURPHY:  Objection.

10          THE COURT:  Approach the bench please.

11          (Whereupon, counsel and the Defendant  
12 approached the bench and the following conference  
13 ensued:)

14          THE COURT:  If I may say so, counsel,  
15 the Court is left in somewhat of a lurch at the  
16 pattern of the objections that are being lodged.  
17 I assumed from representations made to the Court  
18 both last week and at the beginning of these  
19 proceedings that objections were going to be made  
20 on the basis of obviously the problems we have in  
21 this case with hearsay as well as some other  
22 objections but, in addition to that, I thought  
23 there were going to be objections lodged with  
24 respect to whether or not counsel was going beyond  
25 the scope of the direct.

1           The problem I have now is that there is  
2           just no consistency to what is going on. I don't  
3           know really why it is Mr. Murphy has objected but  
4           Mr. Tayback was allowed to go for a long period of  
5           time on things that clearly were not dealt with in  
6           direct examination, then out of the clear blue I  
7           hear this objection.

8           I don't know whether this objection  
9           relates to whether the fact that counsel has gone  
10          beyond the scope or whether there is some other  
11          reason he has.

12          Mr. Murphy.

13          MR. MURPHY: It's both, Your Honor. We  
14          allowed him to go a little bit beyond. I think  
15          now he's going to get into the allegation that the  
16          man he maintains did this thing went for a gun or  
17          something like that.

18          THE COURT: Let me say this, and I am  
19          not conducting any class on evidence right now,  
20          but the fact of the matter is that all Courts take  
21          some lead from the way counsel are trying a case.  
22          If, in fact, you don't want to go beyond, want  
23          counsel to go beyond the scope of direct, then you  
24          shouldn't wait until you get to something damaging  
25          to decide I'm going to object. You object on the

1 basis that you intend to rely. If you are going  
2 to allow Mr. Tayback to go a certain way, then you  
3 should just keep letting him go. If you don't  
4 want him to go, you should stop him right from the  
5 beginning.

6 Am I making sense?

7 MR. MURPHY: Yes.

8 MR. BRAVE: I think the quandry we are  
9 in, Your Honor, is Mr. Tayback has elicited -- We  
10 elicited ourselves that Detective Requer is the  
11 primary investigating officer and where cross  
12 examination goes beyond as primary investigating  
13 officer, we are in a quandry as to where Mr.  
14 Tayback can take that point that we developed.

15 THE COURT: I don't know of any rule  
16 that says because he's a primary investigating  
17 officer, Mr. Tayback can't at a later point call  
18 him as his witness. There's no rule that says  
19 that.

20 The point I'm trying to make to you is  
21 the Court is being left in a lurch because I hear  
22 this objection out of the clear blue when it gets  
23 down to a point where Mr. Tayback is getting ready  
24 to get into, I assume, what Mr. Boyce did at the  
25 point in time when this thing was on the bed. I

1 mean, but you are waiting until you figure out  
2 this is something damaging coming in before you  
3 object.

4 If you are going to object on the basis  
5 that it is beyond the scope of direct, you need to  
6 do it when he goes beyond the scope of direct, not  
7 wait until you are afraid you are going to be hung  
8 by the testimony.

9 I hope I'm making myself clear. The  
10 reason I'm going through all of this is so we can  
11 try to set some ground rules so that the Court  
12 won't be put in a position where, you know, out of  
13 the clear blue I get an objection which, if it was  
14 going to be made, should have been made ten  
15 minutes ago.

16 Do you follow what I'm saying?

17 MR. BRAVE: Exactly. With that, being  
18 mindful of that, we object for that reason and  
19 also --

20 MR. MURPHY: That's probably  
21 inadmissible on other grounds. You have got an  
22 act by someone, a bad act or whatever he's trying  
23 to paint it as, that I don't think is relevant.

24 THE COURT: You can say a lot of  
25 things. When you talk about bad acts we usually

1 talk about bad acts or other offenses of the  
2 Defendant. That's not the case here.

3 MR. MURPHY: I think it is relevant to  
4 just about anything though, I mean. He's trying  
5 to say because this man seventeen days later went  
6 for a gun, that's in some way admissible in this  
7 case to the betterment of his client.

8 THE COURT: Let me hear from you, Mr.  
9 Tayback.

10 MR. TAYBACK: Your Honor, first with  
11 respect to the scope, as the Court may recall, the  
12 last time we were -- I don't know which trial -- I  
13 guess it would be the second trial -- I argued  
14 that the scope of examination is, of course,  
15 somewhat discretionary to the Court but it is on  
16 material or relevant facts directly related to the  
17 case. Now, that's one element.

18 Now, at that point, as you recall, we  
19 agreed basically that if it came down to it I'd  
20 call him again as a defense witness. I have no  
21 problems doing that. I don't care. But on the  
22 other hand, if I'm allowed to proceed through  
23 three quarters of the way into the field I should  
24 be allowed then to follow through and finish.

25 I think that the Court's point is very

1 well taken. You don't object half or three  
2 quarters of the way along then expect to be able  
3 to argue that the scope of direct examination has  
4 been exceeded because, of course, it's been  
5 exceeded in one sense if you don't accept my other  
6 arguments with the case that I cited, it was  
7 exceeded, as you say, ten minutes ago or fifteen  
8 minutes ago or whatever.

9 So I think that just on that basis the  
10 Court should not sustain the State's objection  
11 saying it was too late, too short.

12 Secondly, with respect to the other  
13 point made by the State, it is absolutely material  
14 and relevant because it has to do with presenting  
15 Leroy Boyce as a gunman which is --

16 THE COURT: I don't know that it is even  
17 necessary for you to argue that point. I don't  
18 think there is any question that the issue of  
19 relevancy is just not here. I mean, it's clearly  
20 relevant. The point was I think the State was on  
21 a firm ground initially in objecting on the basis  
22 that the fact that he as the primary investigator  
23 has got absolutely no -- carries absolutely no  
24 weight on whether or not he can be called back as  
25 Mr. Tayback's witness or whether the Court has the

1 discretion to confine his testimony simply to what  
2 was covered on direct examination. I mean, there  
3 is no question in my mind about that. But you  
4 really put the Court in a bad position when you  
5 wait so long to make this objection. It should  
6 not be made just when you think it's going to be  
7 something harmful coming in.

8 I think as a practical matter in all  
9 probability Mr. Tayback is going to have to call  
10 this witness back as his own witness anyway  
11 because I believe there are many other things that  
12 are going to, that are not going to come out aside  
13 from this issue we are dealing with if he intends  
14 to get it out through this witness.

15 I am going to sustain the objection with  
16 the caution to the State that if you allow Mr.  
17 Tayback to go again, I will not be able to justify  
18 stopping him after he's gone this far. I don't  
19 see that there is any harm being done because he  
20 will be able to explore all those areas that he  
21 can't explore now.

22 MR. TAYBACK: With respect to any  
23 further questions basically as to where we are  
24 now, which is June 19, is the Court then  
25 indicating it would sustain an objection based on



1 the scope of cross examination?

2 THE COURT: Just based on scope and not  
3 on relevancy, I would reject the state's argument  
4 that it is irrelevant because I don't believe it  
5 is irrelevant.

6 MR. TAYBACK: Then I'll basically have  
7 to call him again. I would ask this, however,  
8 that since we have mentioned that at this point in  
9 the case the garment in question, I was hoping  
10 that, you know, he might even be on the stand  
11 tomorrow morning if I'm not going to have any  
12 further questions of him at this time.

13 Because of the Court's limitation I  
14 would like to have the garment, however, because  
15 it does naturally follow on that which has been  
16 presented to the jury in the evidence today. I  
17 would like to be able to present that to the jury  
18 tomorrow morning.

19 THE COURT: Mr. Brave does not disagree  
20 with you.

21 MR. BRAVE: I think that is within the  
22 scope, I would imagine, scope of the --

23 THE COURT: Mr. Brave does not disagree  
24 with you.

25 MR. TAYBACK: I ask the Court then to

1 direct --

2 THE COURT: You have already directed  
3 him. He said yes. Mr. Brave will simply tell him  
4 today before he leaves and make sure the garment  
5 is here.

6 MR. TAYBACK: Tomorrow morning though.

7 THE COURT: Okay.

8 (Whereupon, counsel returned to the  
9 trial table and proceedings resumed in open  
10 court.)

11 MR. TAYBACK: Your Honor, I have, based  
12 on the conversation at the bench, I have no  
13 further questions of the witness at this time.  
14 However, I would indicate that I would be calling  
15 him as a witness in the defense.

16 THE COURT: All right. Detective  
17 Requer, bring the garment tomorrow.

18 A Yes, sir, I will.

19 MR. MURPHY: I have a few questions in  
20 redirect.

21 REDIRECT EXAMINATION

22 BY MR. MURPHY:

23 Q Detective, you were asked a couple of  
24 questions by Mr. Tayback about the garment which  
25 the body of Ms. Veney was discovered in and you

1       answered that there was a tear or a rip or a  
2       couple of tears, I believe you said in the  
3       shoulder area?

4             A       Yes, sir.

5             Q       Now, you don't know when that occurred?

6             A       No, sir, I do not.

7             Q       You don't know, for example --

8                     MR. TAYBACK:  Objection, Your Honor.

9             Q       Do you know?

10                    MR. TAYBACK:  His witness at this time.

11                    THE COURT:  Well, attempting to  
12       rehabilitate his witness.  I'll overrule the  
13       objection.

14             Q       Do you know, for example, whether or not  
15       it occurred that night?

16             A       I do not.  I don't know whether it  
17       occurred that night.

18             Q       Do you know, for example, whether or not  
19       it even occurred before she was shot?

20             A       That too I do not know.

21             Q       It could have occurred, as far as you  
22       know, after she was shot?

23                    MR. TAYBACK:  Objection, Your Honor.

24                    THE COURT:  Overruled.

25             Q       As far as you know?

1           A     As far as I know, yes, sir.

2           Q     I believe you said that perhaps it could  
3 have occurred during a sort of a struggle during  
4 the shooting?

5           A     I believe I said that a person could  
6 have grabbed her, pulling her, you know, pulling  
7 on her. I really don't know.

8           Q     Suppose someone -- the shooter was  
9 holding the person by the garment and pulled the  
10 trigger of this gun from close range while holding  
11 the garment and blew the head off, could it have  
12 happened that way?

13          A     Could have.

14          Q     The impact of the shot?

15          A     Yes, sir.

16          Q     Suppose somebody went to the body of Ms.  
17 Veney after she was dead and began ripping through  
18 or pulling on the pockets of the garment, could  
19 that have done it?

20          A     Could have done it, yes, sir.

21          Q     Now, you didn't find any more than a  
22 dollar fifty-seven in the pocket of this sort of  
23 ripped garment?

24          A     It was a dollar and some change, around  
25 fifty-seven or sixty-seven cents. I'm not sure.

1           Q     You also didn't find any quantities of  
2 cocaine or anything like that in the pocket of  
3 this garment?

4           A     No, sir, did not.

5           Q     As a matter of fact, you didn't find any  
6 substantial quantities of cocaine or even anything  
7 other than residue anywhere in that apartment, did  
8 you?

9           A     That's correct, yes, sir.

10          Q     Whatever cocaine there was was either  
11 smoked or taken with the people who had been  
12 there?

13          A     I believe that, yes, sir.

14          Q     Your Honor, no other questions on  
15 redirect.

16                   MR. TAYBACK: Very briefly, Your Honor.

17                           RE CROSS EXAMINATION

18           BY MR. TAYBACK:

19           Q     Detective Requer, I understand we are  
20 not just talking about a garment that is just sort  
21 of ripped, are we? We are talking about a garment  
22 that has a large rip down the back, has a large  
23 rip on one side and has a large rip on the other  
24 side, doesn't it?

25           A     If memory serves me correct, counsel, I

1 recall the tear in the rear of the garment. I  
2 don't remember the other tears. It could very  
3 well be there, I just don't recall it.

4 Q I have asked you to bring that garment  
5 so the ladies and gentlemen of the jury can see  
6 what it involves.

7 A Right.

8 Q With respect to any other suggestions  
9 made by the State's Attorney as to what could or  
10 could not have happened, you have absolutely no  
11 evidence whatsoever to substantiate any of that,  
12 do you?

13 The only evidence you have to  
14 substantiate that is the woman was wearing a  
15 garment which naturally or usually would not be  
16 worn in such a destroyed condition as it was  
17 found, isn't that true?

18 A That's correct.

19 Q And as to any other suggestion made by  
20 the State's Attorney, that somebody did it  
21 afterwards or somebody did it looking for this or  
22 looking for that, or somebody did it while blowing  
23 her head off, those are suggestions by the State's  
24 Attorney and speculation by you, isn't that true?

25 A It possibly occurred that way though.

1           Q     The one thing we do know is the garment  
2     is in the condition that the jury will see it  
3     tomorrow, is that true?

4           A     That's true.

5           Q     And that occurred somehow or the other  
6     that night, didn't it?

7           MR. MURPHY:  Objection.

8           THE COURT:  Well, I'll overrule the  
9     objection.  I think you have already answered that  
10    question, Detective Requer.

11          Q     Isn't that basically what you you have  
12    indicated?  You have -- you don't have any reports  
13    to indicate it was shreaded before that evening?

14          A     I have no reports.

15          Q     You have even people who were at that  
16    location earlier who say nothing about its  
17    condition being damaged, isn't that true?

18          MR. MURPHY:  Objection.

19          THE COURT:  Can you answer the  
20    question?

21          A     I really don't recall asking them the  
22    condition of it.

23          THE COURT:  You don't recall asking the  
24    witnesses the condition of the garment?

25          A     Yes, sir, that's correct.

1 THE COURT: All right. Overruled.

2 MR. TAYBACK: I have no further  
3 questions.

4 THE COURT: You may step down.

5 MR. MURPHY: I would ask at this time  
6 that the jury be allowed to view the pictures  
7 submitted into the evidence before the next  
8 witness testifies.

9 THE COURT: Very well. Mr. Brave, who  
10 is going to be your next witness?

11 MR. MURPHY: Technician Bianca.

12 MR. BRAVE: Want us to have him on the  
13 front row, Your Honor?

14 THE COURT: Mr. Sheriff, would you ask  
15 Technician Bianca to come in?

16 TECHNICIAN SALVATOR JOHN BIANCA,  
17 a witness produced on call of the State, having  
18 first been duly sworn, according to law, was  
19 examined and testified as follows:

20 THE COURT: Technician Bianca, if you  
21 will just bear with us for a moment. All right  
22 Mr. Murphy. The jury hasn't quite finished but  
23 I'd ask you to go ahead with the witness.

24 Have you identified yourself?

25 THE WITNESS: No, I haven't.



1 THE CLERK: Could you state your name  
2 and position for the record.

3 THE WITNESS: My name is Salvator John  
4 Bianca, I work for the Baltimore Police, Mobile  
5 Crime Laboratory.

6 THE COURT: How long have you worked in  
7 that capacity.

8 THE WITNESS: Thirteen and a half  
9 years.

10 DIRECT EXAMINATION

11 BY MR. MURPHY:

12 Q Mr. Bianca, are you a police officer or  
13 civilian employee of the police department?

14 A I'm a civilian employee.

15 Q What kind of training or education did  
16 you bring with you when you first began with the  
17 police department?

18 A I have a bachelors degree from the  
19 University of Maryland, biology, also two years of  
20 laboratory experience.

21 Q What exactly are your duties as a mobile  
22 crime lab technician?

23 A Primarily our duties are to respond to  
24 crime scenes when requested. We have been trained  
25 to take photographs, dust for fingerprints,

1 recover physical evidence, make plaster  
2 impressions, rubber impression, take measurements  
3 and construct sketches. Also trained to  
4 administer the breatholizer test and trained to  
5 analyze marijuana.

6 Q Where did you receive the training to  
7 pursue the activities you just described for the  
8 jury?

9 A I received two months on the job  
10 training at the Baltimore Police Department, and  
11 then one week of in classroom training at the  
12 Baltimore Police Department, various in service  
13 trainings which comprise two or three days at a  
14 time. A week with the State Police to learn to  
15 administer the breatholizer test and a week at the  
16 F.B.I. Academy in Quantico, Virginia to learn  
17 crimes scene processing.

18 Q Do you have any idea how many crime  
19 scenes you have responded to and processed during  
20 your years as a mobile crime lab technician?

21 A Probably in excess of seven thousand.

22 Q And are these crime scenes, they range  
23 from the burglary up to the double murder?

24 A That's correct.

25 Q And everything in between, I would

1       imagine?

2           A       Yes, sir.

3           Q       Now, focusing on, I guess, the  
4       activities we are interested in in this case,  
5       first of all, photography, you did take the  
6       pictures that are in evidence in the case, in this  
7       case here today, did you not?

8           A       Yes, I did.

9           Q       Did you take those pictures essentially  
10      at the direction of the homicide detective,  
11      Detective Requer?

12          A       Not exactly. Rely on our training and  
13      information we obtain from Detective Requer and  
14      also Officer Roop at the scene. We used that and  
15      our judgment and we take photographs as we deem it  
16      necessary.

17          Q       You also recovered some items of  
18      physical evidence in the nature of bullets and  
19      fragments in this case?

20          A       Yes, I did.

21          Q       I'll show you what is already in  
22      evidence as State's Exhibit 23, 24, 25, 26, 27,  
23      did you have something to do with the recovering  
24      or finding these items at the crime scene?

25          A       Yes, I did. I recovered these items

1 after I photographed them and marked the location.

2 Q The locations where you found these  
3 various items are noted on those vials?

4 A That's correct.

5 Q There is some initials on there, S B,  
6 whose are they?

7 A They are my initials.

8 Q Detective Requer was present when you  
9 found 23 through 27?

10 A That's correct.

11 Q More specifically, Technician Bianca,  
12 number 24 which is a spent cartridge, a shot  
13 bullet, where was that found?

14 A This item is a bullet, it's been fired.  
15 It was found at the base of the stairs between the  
16 living room and the kitchen.

17 Q The other items, 25, 26, 27 and 23, it's  
18 marked on the jars where they were found?

19 A That's correct.

20 Q Have you seen this item before, State's  
21 Exhibit Number 21?

22 A Yes.

23 Q In connection with this case?

24 A Yes, I have.

25 Q Technician, focusing now on your

1        capability to dust or to try to raise  
2        fingerprints, that is one of your duties as a  
3        crime lab technician?

4            A        Yes, it is.

5            Q        What is a latent fingerprint?

6            A        Latent fingerprint is a fingerprint that  
7        you don't necessarily see on its own, it's  
8        invisible. We apply powder and make the invisible  
9        fingerprint visible and then from there we use --  
10       we lift it off. We use a tape to remove the  
11       fingerprint and place it on a card.

12           Q        Did you dust or check the premises of  
13       4711 Navarro Road for latent fingerprints?

14           A        Yes, sir, I did.

15           Q        On June 2nd, 1986?

16           A        Yes.

17           Q        What surfaces, if you know, or if you  
18       have recorded anywhere did you process for  
19       possibly latent fingerprints?

20           A        I can read the areas that we  
21       specifically dusted for fingerprints.

22           Q        If you could.

23           A        Items processed, second floor bathroom,  
24       we did the medicine cabinet, sink, the toilet, the  
25       tub, the door, light switch.

1                   In the rear bedroom, we did spoon,  
2                   drinking glass on the bureau, seashell ashtray on  
3                   the floor by the rear wall, a mirror against the  
4                   wall, and the door.

5                   In the front bedroom we did the ashtrays  
6                   on the dresser and tables, ID cards on floor under  
7                   night table, a rum bottle and shoe boxes with CDS  
8                   and on the large table camera, excuse me, camera  
9                   on television on the large table, shoe box lid  
10                  under large table, cigarette lighter on large  
11                  table, and on the steps we did the telephone.

12                  In the living room we did the front  
13                  door, drinking glasses and soda bottle on coffee  
14                  table, broken mirror under sofa.

15                  In the kitchen we did the kitchen table,  
16                  the items on the kitchen table, the ashtray, CDS  
17                  paraphernalia, cigarette packs, nail polish  
18                  remover, sun glasses, drinking glass, alcohol  
19                  bottle, and the back door. We did beverage  
20                  bottles in the trash cans in the front bedroom and  
21                  living room and soda bottle on Groveland Avenue  
22                  outside the house.

23                  Q       Mr. Bianca, those are the areas which  
24                  you dusted in an attempt to try to find if there  
25                  were any latent fingerprints there?

1           A       That's correct.

2           Q       All the areas you mentioned?

3           A       That's correct.

4           Q       Did you find latent fingerprints on all  
5 of those areas that you tried to find them on?

6           A       No.

7           Q       What are the reasons why you didn't or  
8 why you generally don't or sometimes don't?

9           A       Sometimes the surface, sometimes it is  
10 the nature of the person's hands. There is  
11 several variables that have to do with whether a  
12 fingerprint is going to be obtained from the  
13 person, whether their hands are clean, whether  
14 they touch it in such a manner that they are going  
15 to leave a fingerprint, whether they are  
16 perspiring, whether they have something on their  
17 hands.

18                       Secondly is the nature of the surface.  
19 If the surface is dirty, if it is rough, if it is  
20 porous -- when I say, mean, porous, open grained  
21 wood -- the chances are slim to get fingerprints.

22                       Fingerprints generally need a clean hand  
23 and a clean surface. Preferably smooth.

24           Q       This bottle laying here, State's Exhibit  
25 Number 2, is this a good surface or a bad surface

1 from which to obtain fingerprints?

2 A It can be both.

3 Q Explain that please.

4 A On that particular bottle, the labels  
5 are difficult to do, gain fingerprints because of  
6 the paper nature of it. Sometimes they will show  
7 a fingerprint but they have to be very clean. If  
8 the bottle is used a lot, sometimes there will be  
9 residue on it and it will obscure fingerprints,  
10 prevent fingerprints from being obtained.

11 Glass surfaces are generally very good  
12 but then difficulty arises in areas handled too  
13 much. You get a lot of overlapping and the  
14 fingerprints destroy each other.

15 Q This alcohol bottle here was one of the  
16 surfaces that you tried to find prints on?

17 A That's correct.

18 Q Of all those surfaces that you tried to  
19 find prints on that you read out to the jury, you  
20 said you didn't find prints on all of those  
21 surfaces. Which of those surfaces did you find  
22 possibly suitable latent fingerprints on?

23 A Okay, I recovered thirty-nine and they  
24 came from the areas of the --

25 Q Thirty-nine possible suitable latent



1 fingerprints?

2 A That's correct.

3 Q All right.

4 A -- the door of the medicine cabinet  
5 second floor bathroom, a drinking glass on the  
6 bureau on the second floor bedroom -- that was the  
7 rear bedroom, mirror against the wall in the rear  
8 bedroom, ashtray on large table in front bedroom,  
9 rum bottle on large table in front bedroom, rum  
10 bottle in ashtray -- excuse me, in trash can,  
11 front bedroom.

12 Mirror under sofa, telephone on steps,  
13 wine cooler bottle in trash can in kitchen, soda  
14 bottle in trash can in kitchen, sun glasses on  
15 kitchen table, ashtray on kitchen table, glass  
16 pipe on kitchen table, alcohol bottle on kitchen  
17 table, cigarette pack on the kitchen table,  
18 toothpick holder on kitchen table, nail polish  
19 remover on kitchen table, glass pipe on kitchen  
20 table, cigarette pack on kitchen table, and glass  
21 bottle on kitchen table.

22 Q Now, is this bottle here, State's  
23 Exhibit Number 2, one of the glass bottles on the  
24 kitchen table from which you recovered a possibly  
25 suitable latent print?

1           A       That was the alcohol bottle, yes, it was  
2       on the kitchen table.

3           Q       Alcohol bottle, that's among the list?

4           A       Yes, it is. It's number 26 on the list.

5           Q       Detective Bianca, you are not the one  
6       who ultimately examines the fingerprints you have  
7       recovered and compares them to human being's  
8       fingerprints, are you?

9           A       That's correct, I'm not.

10          Q       What is your function in the whole  
11       thing?

12          A       I'm to obtain them and record where I  
13       recover the fingerprint, then submit it to the  
14       latent fingerprint section.

15          Q       Somebody down there is the one who  
16       compares the prints to some other -- to a person?

17          A       That's correct.

18          Q       When you recover, as you said you did  
19       here, thirty-nine possibly suitable latent  
20       fingerprints, do you know in your function as a  
21       technician who transmits the prints down -- do you  
22       know whether or not what you recovered are even  
23       good enough for the person downtown who compares  
24       them?

25          A       We know they have a good potential. If

1       there is -- you know, we can tell that they are --  
2       there is a chance. I can't say that every one is  
3       suitable but there is a chance there is something  
4       there.

5               Q       In a case such as the case we are  
6       talking about here, a double homicide, would you  
7       tend to be conservative in sending down possible  
8       prints or would you send down every possible  
9       print?

10              A       Anything that has any ridge detail  
11       whatsoever, anything that has any possible chance,  
12       anything that even looks like it's a fingerprint  
13       we turn it in.

14              Q       But because of your important but  
15       limited role in this whole thing you don't know  
16       which of those prints you sent were good enough to  
17       compare?

18              A       No, I don't.

19              Q       That is not what you do in your role as  
20       a technician?

21              A       That's correct.

22              Q       No other questions on direct.

23                      THE COURT: Mr. Tayback.

24                              CROSS EXAMINATION

25       BY MR. TAYBACK:

1           Q     Mr. Bianca, how long were you at the  
2 scene 4711 Navarro Road on June 2, 1986?

3           A     I arrived there at 6:30, and left there  
4 approximately 11 o'clock.

5           Q     So you were there until 11 a.m. in the  
6 morning. Was Detective Requer there when you  
7 arrived?

8           A     Yes, he was.

9           Q     Was he there throughout your  
10 investigation or your proceedings, do you recall?

11          A     Yes.

12          Q     So, you finished, I guess, the police  
13 therefore finished with the premises at 4711  
14 Navarro Road sometime shortly after 11 a.m., is  
15 that correct?

16          A     That's correct.

17          Q     Now, with respect to your  
18 responsibility, you are a member of the Baltimore  
19 City Mobile Crime Unit, is that true?

20          A     Mobile Crime Lab.

21          Q     Mobile Crime Lab?

22          A     Yes.

23          Q     Your responsibility is to go to crime  
24 scenes, as you had previously indicated, and your  
25 responsibility is to find evidence and maintain

1 evidence, isn't that true?

2 A Yes, sir.

3 Q That's why you are there?

4 A Not to maintain but to find it and  
5 submit it to the evidence control.

6 Q Maintain may be the wrong term. To find  
7 and preserve evidence, is that better?

8 A Well, to find and recover evidence.

9 Q Recover evidence, all right. So, you  
10 recovered evidence in this particular case, then  
11 you would have logged it on some sort of forms  
12 that you have. What do you call those forms?

13 A This is our, this is our run sheet.

14 Q How many run sheets did you write out  
15 with respect to those recovered items that you  
16 took from the premises at 4711 Navarro Road?

17 A I don't understand.

18 Q How many pages?

19 A Okay. Seven pages.

20 Q Those are seven pages of notes. Do you  
21 know how many items, do you list each item?

22 A Yes.

23 Q Do you have it sequentially? How many  
24 items were taken?

25 A Well, it is not listed that way. It's

1       like for -- as for what we submit to firearms,  
2       there would be a listing of the five items. I  
3       could go through and count if you want to do that.

4           Q       I'm not going to ask you to do that.  
5       Would it be correct or would I be incorrect if I  
6       said you recovered numerous items of evidence or  
7       potential evidence at that crime scene?

8           A       That is correct.

9           Q       As the State's Attorney elicited from  
10      you, because it was a double homicide, you were  
11      particularly careful to try to develop as much  
12      evidence as possible, isn't that true?

13          A       That's correct.

14          Q       It's one of the reasons why you were  
15      there for so long. You are not usually on a crime  
16      scene for five hours, are you?

17          A       I've been longer.

18          Q       I assume you have been longer but you  
19      probably been many times much shorter, haven't  
20      you?

21          A       Yes.

22          Q       In this particular case you recovered  
23      items from upstairs. How many rooms were there  
24      upstairs?

25          A       There were three rooms upstairs.

1           Q     That would be two bedrooms and one  
2 bathroom?

3           A     That's correct.

4           Q     You went through each room, didn't you?  
5 You went through the bedroom front, bedroom rear  
6 and bathroom?

7           A     That's correct.

8           Q     How many rooms were there downstairs?

9           A     There was living room, kitchen and  
10 closet.

11          Q     Did you go through all of those rooms,  
12 the living room blending into the kitchen, then  
13 the closet?

14          A     Yes.

15          Q     So you looked for evidence wherever  
16 there was a place that evidence could be?

17          A     That's correct.

18          Q     With respect to this particular matter,  
19 you took into evidence anything that potentially  
20 had value. Although you weren't the one who took  
21 it yourself, you would indicate it to a police  
22 officer and he would be the recovering officer, is  
23 that the way that works?

24          A     No. What happens is, anything -- being  
25 a civilian, we are limited into what we can

1 recover. We are not allowed to recover any money,  
2 any jewelry, any CDS, narcotics, or narcotics  
3 paraphernalia.

4 Q So with respect to CDS, narcotics  
5 paraphernalia, anything that was recovered in that  
6 regard would have been recovered through Officer  
7 Roop or Detective Requer, is that correct?

8 A That's correct.

9 Q Anything with respect to money would  
10 have been recovered through Officer Roop and  
11 Detective Requer, is that correct?

12 A That's correct.

13 Q I have no further questions.

14 REDIRECT EXAMINATION

15 BY MR. MURPHY:

16 Q Technician Bianca, when you say you  
17 recovered a lot of items, the items you actually  
18 picked up and took away essentially were the  
19 fragments and things like that?

20 A Not only that, recovered about  
21 twenty-one pieces of paper items. They were  
22 submitted to the lab for latent examination. These  
23 were items that we couldn't dust at the crime  
24 scene because of the nature -- paper we just can't  
25 dust.



1           Q     So you can't dust paper. You sent them  
2 where, to the latent print section?

3           A     That's correct.

4           Q     They were to be tested for prints down  
5 there?

6           A     That's correct.

7           Q     You don't really know what happened yea  
8 or nay about them?

9           A     I have no knowledge of what happened to  
10 those.

11          Q     The rest of the items on this seven page  
12 run sheet, for the most part are not items you  
13 picked up and took somewhere but rather that you  
14 dusted for prints out there and they were left  
15 there after you dusted for the prints?

16          A     That's correct. We don't take the doors  
17 off.

18          Q     You don't take the drinking glass with  
19 you or things like that?

20          A     No.

21               MR. MURPHY: Your Honor, no other  
22 questions.

23               MR. TAYBACK: Your honor, I would move  
24 to have marked as Defendant's Exhibit Number 1 the  
25 seven page run sheet for evidence.

1 THE COURT: Very well.

2 (Whereupon, so marked in evidence.)

3 MR. MURPHY: That is simply being  
4 marked?

5 MR. TAYBACK: It's being submitted.

6 MR. MURPHY: I would object to that on  
7 basis of it's simply a hearsay type report. He's  
8 already testified.

9 THE COURT: Ma'am Clerk, let me see the  
10 exhibit.

11 MR. TAYBACK: I have it.

12 THE COURT: Approach the bench.

13 (Whereupon, counsel and the Defendant  
14 approached the bench and the following conference  
15 ensued:)

16 THE COURT: I'll hear from you, Mr.  
17 Murphy.

18 MR. MURPHY: I don't think it's  
19 admissible under any theory. He's testified it  
20 doesn't show any inconsistent statements. It is  
21 simply his notes essentially. I don't know why  
22 Mr. Tayback wants it. He's testified to  
23 everything on it except it's got this gruesome  
24 description of the crime scene as related by the  
25 homicide detective and Officer Roop. I just think

1     it is an additional worthless piece of evidence  
2     which I don't think should be admitted. It is  
3     going to confuse the jury to start focusing on  
4     pieces of paper rather than live testimony.

5             THE COURT: It indicates on the run  
6     sheet that service was requested by Detective  
7     Requer, mobile unit Technician Bianca and French.  
8     Examiners listed at the bottom are Sharon Talmadge  
9     and Frank Bowles, and R. Purvis. What is the  
10    purpose of this, Mr. Tayback?

11            MR. TAYBACK: Your Honor, it is a  
12    written, it is a written record, recordation of  
13    the materials that were recovered at the scene.  
14    It details and even fleshes out, if you will, the  
15    testimony of the technician on the stand. I would  
16    indicate to the Court it gives to the jury  
17    something that they can look at and understand the  
18    thoroughness of the investigation here. It  
19    contrasts with what the State is attempting to do  
20    at this time, to somehow or the other castigate  
21    their own investigation by saying it was cursory  
22    whereas instead it wasn't. It was thorough and  
23    detailed. Somehow the State feels it is good for  
24    their own case if it's a cursory investigation.  
25    It wasn't. It was detailed.

1 THE COURT: The word cursory was  
2 directed at Detective Requer.

3 MR. TAYBACK: Yes.

4 THE COURT: I don't think there is  
5 anything at all cursory about what --

6 MR. TAYBACK: I don't think there is  
7 anything cursory about the investigation at the  
8 scene. I think it was a thorough investigation,  
9 went on for a number of hours.

10 THE COURT: The point I'm making is that  
11 the comment was directed at Detective Requer. It  
12 didn't have anything to do with Bianca who  
13 obviously did a very thorough job.

14 MR. TAYBACK: This is his record of it  
15 and it records it and I'll ask the jury to try to  
16 understand it in detail when they go into the jury  
17 room to deliberate. As I say, piece of  
18 demonstrative evidence for the jury to consider.  
19 It essentially records that which he has testified  
20 to.

21 There is no way in the world the jury,  
22 for example, would be able to record or even  
23 remember in detail the substantial number of  
24 things that he recovered or the substantial number  
25 of things he did if I went through it one by one

1 by one which would be not only boring to them but  
2 of little evidentiary value. This would, on the  
3 other hand, allow them to have it right in front  
4 of them when they are deliberating the case.

5 THE COURT: The bottom line is that this  
6 proves what, this run sheet proves what?

7 MR. TAYBACK: Proves the point that I  
8 was making, that a thorough investigation was  
9 made, numerous items were taken from the house and  
10 it fits into that which I'll be arguing later to  
11 them; that the physical evidence in the case, of  
12 which this is a record, supports my client's  
13 position rather than State's position.

14 MR. MURPHY: Judge, he's already  
15 testified to the admissible parts of what Mr.  
16 Tayback wants. He went through this long list.  
17 Half the stuff in there -- at the bottom of the  
18 first page is the conclusion of Robert Purvis who  
19 hasn't yet testified. That shouldn't come in.  
20 Nellie Chew's, that shouldn't come in this way.  
21 There are some other items which I didn't ask him  
22 about on here and that Mr. Tayback didn't ask him  
23 about. Those items he's interested in came in in  
24 a boring fashion, ad nauseam through what did you  
25 dust, this, this, this, this, this. So he's made

1 his point.

2 This is just cumulative evidence which  
3 serves to confuse and has things that he didn't  
4 talk about.

5 THE COURT: The documents do contain the  
6 signatures, as indicated, of the other examiners.  
7 There is data included in these documents that the  
8 Court has not ruled on one way or the other.

9 I'm going to sustain the objection at  
10 this point.

11 MR. TAYBACK: At this point?

12 THE COURT: Yes.

13 MR. TAYBACK: Because the Court is only  
14 sustaining the objection at this time, can I ask  
15 that this material be held and marked for, excuse  
16 me, for identification only and held by the Court  
17 Clerk until such time as we make a determination  
18 whether it can come in at a later time? Do you  
19 have any objection to that?

20 MR. BRAVE: Of course not.

21 THE COURT: Very well.

22 (Whereupon, counsel returned to the  
23 trial table and proceedings resumed in open  
24 court.)

25 MR. TAYBACK: I have no further

1 questions, Your Honor.

2 THE COURT: Mr. Murphy.

3 MR. BRAVE: Your Honor, our next witness  
4 would be Deborah Pearson. May I bring her in?

5 THE COURT: Thank you very much, sir.

6 DEBORAH PEARSON,

7 a witness produced on call of the State, having  
8 first been duly sworn, according to law, was  
9 examined and testified as follows:

10 THE CLERK: Speak into to the mike.  
11 State or name and address.

12 THE WITNESS: Deborah Pearson, 5305  
13 Belleville Avenue.

14 DIRECT EXAMINATION

15 BY MR. BRAVE:

16 Q Good afternoon, Miss Pearson.

17 A Thanks.

18 Q How old are you?

19 A 22.

20 Q Are you employed?

21 THE COURT: Date of birth?

22 A Yes, I am.

23 THE COURT: What is your date of birth?

24 A 1-20-65.

25 Q Where do you work?

1           A     Holiday Inn, Belmont.

2           Q     What is the nature of your work out  
3           there?

4           A     I'm in the housekeeping department.

5           Q     How long have you been there?

6           A     Two years.

7           Q     I want to take you back to Sunday night,  
8           June the first?

9           A     Uh-huh.

10          Q     Did you have occasion to be at a house  
11          over on Navarro Road in the 4700 block?

12          A     Yes, I was.

13          Q     About what time did you get there?

14          A     Round about 7 in the evening.

15          Q     Do you know Deborah Veney?

16          A     Yes, I do.

17          Q     How long had you known her?

18          A     For about a year.

19          Q     When you arrived at Navarro Road, who  
20          was there?

21          A     Deborah Veney and her sister Mary and  
22          Jeanette.

23          Q     So you were the forth person to arrive?

24          A     At the house, uh-huh.

25          Q     Three people were there when you got



1       there?

2           A       Huh?

3           Q       You, it was Deborah Veney --

4           A       Jeanette and her sister Mary.

5           Q       About what time did you leave Navarro

6       Road?

7           A       Round about 3:30 to 4 o'clock that

8       morning.

9           Q       When you left, who was there?

10          A       Just Peaches and Debbie.

11          Q       When did Jeanette leave?

12          A       Jeanette left round about two o'clock

13       that morning.

14          Q       You were there -- were you there from

15       the time you arrived until the time you left at

16       3:30 in the morning?

17          A       Yes, I was.

18          Q       So you never left?

19          A       No, I didn't.

20          Q       From the time you arrived at 7 o'clock,

21       who was the first, who was the next person to

22       either arrive or leave?

23          A       Peaches, Glenita Johnson.

24          Q       Did she -- Well, she obviously arrived.

25          A       Uh-huh. Round about 11 o'clock.

1           Q     Now, Peaches, how long had you known  
2 Peaches?

3           A     For about eight years.

4           Q     Where did you know her from?

5           A     Garrison Junior High School.

6           Q     Now, when Peaches arrived, were the four  
7 of you, you, Jeanette, Deborah Veney, and Mary  
8 still there?

9           A     No, Mary had left and Deborah wasn't  
10 there. Nobody was there but me.

11          Q     So, all three of them had left?

12          A     No. Jeanette and Debbie went to the  
13 bar.

14          Q     About what time was that?

15          A     That was round about something after 10.

16          Q     About 10 o'clock Jeanette and Deborah  
17 left?

18          A     Uh-huh.

19          Q     When Jeanette and Deborah left, had Mary  
20 already left or did she leave later?

21          A     Mary left before they left.

22          Q     Okay. Just so we all understand it, you  
23 arrive at 7 o'clock, right?

24          A     Uh-huh.

25          Q     The next person to arrive or leave is

1 Mary?

2 A Uh-huh.

3 Q Who leaves at?

4 A Round about 10, a little after 10.

5 Q Then Jeanette and Debbie leave?

6 A Uh-huh.

7 Q Leaving you alone in the house?

8 A Uh-huh.

9 Q Do you know why Jeanette and Debbie

10 left?

11 A Uh-huh.

12 Q Why?

13 A To go get some grain alcohol.

14 Q Did you see them come back with it?

15 A Yes, I did.

16 Q I'm holding up State's Exhibit 1, does

17 this look familiar?

18 A Yes, that's the bottle.

19 Q The bottle that what?

20 A Grain alcohol.

21 Q That's the bottle they went out for?

22 A Yeah, they went for the bottle of grain.

23 Q And they left at around 10?

24 A They left around about 10 to get the

25 grain.

1 Q They got back around what time?  
2 A They got back around a little after 11.  
3 Q In the meantime Peaches had arrived?  
4 A Uh-huh.  
5 Q Do you know why they needed this grain  
6 alcohol?  
7 A To use it to smoke the, to smoke the  
8 caine they had.  
9 Q I take it by your answer that some  
10 smoking of cocaine was going on?  
11 A Uh-huh.  
12 Q Were you participating in that?  
13 A Yes, I was.  
14 Q And who had the cocaine?  
15 A Debbie.  
16 Q And was she giving it away, selling it?  
17 A She was selling it.  
18 Q To you?  
19 A Uh-huh.  
20 Q Did you buy some?  
21 A Yes, I bought some.  
22 Q About how much?  
23 A About twenty-five dollar worth.  
24 Q And when you say you were smoking the  
25 cocaine, do you know that -- tell us about the

1 procedure that you go through to prepare it for  
2 smoking?

3 A She mixed a little bit in the tube with,  
4 she mixed with it baking soda in a tube and cook  
5 it up with the caine.

6 Q I don't know. You cook it up, you  
7 obviously use some sort of match or --

8 A You can use the stove or even the grain.

9 Q Now, at some point -- and the grain  
10 alcohol is used to create the fire?

11 A To burn.

12 Q And at some point you ran out of grain  
13 alcohol?

14 A Uh-huh.

15 Q That's the reason they left?

16 A Uh-huh.

17 Q And while they are gone, Peaches  
18 arrived?

19 A Uh-huh.

20 Q Peaches name is -- real name is what?

21 A Glenita Johnson.

22 Q Do you know why she was there?

23 A She must have came over to buy some  
24 caine.

25 Q While Jeanette and Deborah Veney were

1        gone, did anyone call or arrive?

2            A        Yes, a guy named Smitty.

3            Q        Tell us about that.

4            A        Smitty had called for Debbie at first  
5        and I told him that she wasn't home, she be back  
6        in about twenty minutes. Then when she got back  
7        home, then he called back again. She took, then  
8        she told him to come on round the house.

9            Q        While they are gone, a guy by the name  
10       of Smitty calls, you answer the phone, right?

11          A        Uh-huh.

12          Q        He asks for Debbie?

13          A        Uh-huh.

14          Q        You tell him Debbie is not here?

15          A        Uh-huh.

16          Q        Debbie comes back, he calls again?

17          A        Uh-huh.

18          Q        Debbie Veney says come on over?

19          A        Uh-huh.

20          Q        While you are still there, this Smitty  
21       comes on over?

22          A        Uh-huh, yeah.

23          Q        And what happens while he's there?

24          A        Then, then she called him in the living  
25       room. She must have sold him something.

1 Q Does he leave?  
2 A Yeah, he left.  
3 Q Now, that leaves you, and Peaches?  
4 A And Debbie.  
5 Q And Debbie. Just the three of you?  
6 A Uh-huh.  
7 Q What time do you decide to leave?  
8 A I left round about 3:30 that morning.  
9 Q How do you leave?  
10 A In a cab.  
11 Q And how do you catch a cab in the 4700  
12 block of Navarro Road?  
13 A I called the cab from her house.  
14 Q Was there anything special about the way  
15 you ordered the cab?  
16 A No, it wasn't.  
17 Q I mean, did you order a special cab?  
18 A No, it wasn't a special cab. Just a  
19 cab.  
20 Q Well, when the cab arrived, was there  
21 anything special about the cab?  
22 A Yes, it was. The cab driver knew  
23 Glenita Johnson.  
24 Q Say that again. I am sorry.  
25 A The cab driver knew Glenita Johnson.

1           Q     Do you know whether they asked for that  
2 cab driver?  
3           A     No, I didn't ask for it.  
4           Q     Did you order the cab?  
5           A     I called the cab.  
6           Q     The cab driver knew Glenita?  
7           A     Uh-huh.  
8           Q     Was there any conversation between the  
9 cab driver and Peaches?  
10          A     Yeah, they spoke to each other.  
11          Q     And then did you leave in that cab alone  
12 or with someone?  
13          A     I left alone.  
14          Q     And that would have been about what  
15 time?  
16          A     About 3:30 going on 4 in the morning.  
17          Q     And when did you hear -- and you left  
18 behind you Deborah Veney and Peaches?  
19          A     Uh-huh.  
20          Q     Is that right?  
21          A     Uh-huh.  
22          Q     When did you learn about what happened  
23 to Peaches and Debbie Veney?  
24          A     The next morning.  
25          Q     How did you learn about it?



1           A     Officer Landsman came to my house.

2           Q     Do you know how he got to your house?

3           A     No, I don't.

4           Q     When he got there did he take you  
5     downtown?

6           A     Yes, he did.

7           Q     Did you tell the detectives what you  
8     just told the jury just now?

9           A     Yes, I did.

10          Q     When did you first realize what a narrow  
11     escape you had had?

12                   MR. TAYBACK:  Objection.

13                   THE COURT:  I'll sustain the objection  
14     to the characterization of narrow escape.

15                   MR. BRAVE:  I'll withdraw that, Your  
16     Honor.

17                   Miss Pearson, Mr. Tayback may have some  
18     questions for you at this point.

19          A     Okay.

20                               CROSS EXAMINATION

21     BY MR. TAYBACK:

22          Q     Miss Pearson, who was your source of  
23     supply for cocaine?

24          A     I was buying it from Debbie Veney.

25          Q     And you had bought from her on a number

1 of occasions, is that correct?

2 A Yes, I did.

3 Q Now, were you aware of her source of  
4 supply?

5 A No, not really.

6 Q However, you were with her at one time  
7 when she did --

8 A She did purchase.

9 Q -- receive her source from, receive her  
10 supply from another source, is that correct?

11 A Uh-huh.

12 Q And was that person identified for you?

13 A His name was Lee.

14 Q And did he speak with some sort of  
15 accent?

16 A Yeah, with Jamaican.

17 Q You say that it was like a Caribbean  
18 accent, is that correct?

19 A Uh-huh.

20 Q You wouldn't know the difference between  
21 a United States, Virgin Island and Jamaican, would  
22 you?

23 A No, I wouldn't.

24 Q This particular Lee, when you met him  
25 that was at a different location, is that correct?

1           A     Yes, it was.

2           Q     Was that a house on Fayette Street, do  
3 you know?

4           A     Yes, it was on Fayette Street.

5           Q     It was off of Martin Luther King  
6 Boulevard?

7           A     Uh-huh.

8           Q     Now, at the time that you met Lee, did  
9 he have anything unusual in his hands?

10          A     Yes, he had.

11          Q     What was that?

12          A     He had a gun in his hand.

13               MR. MURPHY:  Objection.  Objection.

14               THE COURT:  I'll sustain the objection.

15               MR. MURPHY:  Move to strike.

16               THE COURT:  Grant the motion.

17          Q     Was there any, disregarding what was in  
18 his hand, was there any conversation between the  
19 two, that is, between Deborah Veney and Lee?

20               MR. MURPHY:  Objection.

21               THE COURT:  Sustained.

22               MR. TAYBACK:  I think just to make sure,  
23 is this on the same basis as the --

24               THE COURT:  Yes.

25          Q     Now, Miss Pearson, going back to the

1 night in question, Sunday night, you stayed from  
2 Sunday night at approximately 7 a.m. until excuse  
3 me 7 p.m. until approximately 4 a.m. the next  
4 morning which would be Monday morning, is that  
5 correct?

6 A Yes, about 3:30, 4.

7 Q During that period of time did you ever  
8 see this individual who is seated beside me?

9 A No, I never seen him.

10 Q Now, with respect to individuals by the  
11 name of Nellie Chew or Joanne Blunt, did you know  
12 those people?

13 A No, I didn't.

14 Q Did anybody arrive at that particular  
15 location who identified himself or herself by the  
16 names of either Joanne Blunt or Nellie Chew?

17 A No, there wasn't.

18 Q When Deborah Veney -- did Deborah Veney  
19 have a nickname, by the way?

20 A No.

21 Q Did you know her as California Debbie?

22 A No.

23 Q With respect to Deborah Veney, when she  
24 would sell the cocaine to you, where did she get  
25 it from?

1           A       She went down on Fayette Street and  
2 bought it.

3           Q       But this particular night that I'm  
4 talking about, which is June first into the  
5 morning hours of June second, did she have it in  
6 some particular location where she got it so that  
7 she could give it to you after you purchased it  
8 from her?

9           A       She reached in her pocket and got it and  
10 gave it to me.

11          Q       What sort of garment did she have on, do  
12 you recall?

13          A       She had on a long black jacket, blouse  
14 it was in.

15          Q       It was in that pocket that she had this  
16 material?

17          A       Uh-huh.

18          Q       Do you recall anything about this long  
19 black jacket, blouse, as you call it?

20          A       No, I don't.

21          Q       Anything unusual about it?

22          A       No, I don't.

23          Q       How about the condition of it, was there  
24 anything unusual about the condition of it?

25          A       No, it wasn't.

1           Q     You didn't notice any -- strike that.  
2     You didn't notice that it was in shreads, did you?

3           A     No, I didn't.

4           Q     It looked like it was normal appearing  
5     to you, is that correct?

6           A     Yes, it was.

7           Q     How about the money when she retrieved  
8     the cocaine from a pocket -- Do you remember which  
9     pocket it was by the way?

10          A     No, I don't.

11          Q     In any case, when she retrieved the  
12     cocaine from a pocket, did she then take the money  
13     from you at that time?

14          A     Yes, she have.

15          Q     What, if anything, did she do with the  
16     money?

17          A     Put it in her pocket with it.

18          Q     So cocaine in the pocket and money in  
19     the pocket, either the same pocket -- are there  
20     two pockets in the garment, do you recall?

21          A     Yes, it is.

22          Q     One for cocaine and one for money?

23          A     I really don't know what it was for.

24          Q     Who was the person who cooked up the  
25     cocaine?

1           A     Debbie.

2           Q     When she cooked up the cocaine she used

3 her equipment to cook up the cocaine that she was

4 to sell to you for you to smoke in its crystalline

5 form, is that correct?

6           A     Yes, it was.

7           Q     She cooked it up. You said among other

8 ways to cook it up, one on the stove, is that

9 true?

10          A     Yes, it is.

11          Q     How do you cook it up on the stove?

12          A     Well, she mixed it with a, baking soda

13 with it and some water.

14          Q     And she could cook it up that way?

15          A     And she hold it over the flame.

16          Q     From the stove?

17          A     Uh-huh.

18          Q     If you have a stove, as she did in her

19 kitchen then, is that correct?

20          A     Yes. She could have used the grain.

21          Q     Well, I'm getting to that but if you

22 have a stove in your kitchen, then if you run out

23 of the grain, you don't need to use the grain

24 because you have got the stove flame anyhow, don't

25 you?

1           A       No, but you still need the grain for  
2 smoking.

3           Q       That is what I'm going to then. Do you  
4 need the grain alcohol as part of the process of  
5 the ingestion or the taking in of the smoke?

6           A       Yes, you do.

7           Q       Is that because you keep the pipe or the  
8 smoking apparatus hot?

9           A       That's to keep the cotton ball in.

10          Q       The cotton ball is for, used for what?

11          A       You dip it in the grain and you smoke  
12 it.

13          Q       I am sorry?

14          A       You dip it inside the grain, you smoke  
15 it.

16          Q       Well, that is the lighting device, if  
17 you will, for the smoking instrument, isn't that  
18 true? Isn't that the way the thing is kept hot so  
19 you can smoke it?

20          A       Yes, it is.

21          Q       That's what you were doing?

22          A       Yes, I was.

23          Q       And you were doing that from  
24 approximately 7 p.m. until 4 am, is that true?

25          A       Uh-huh.



1           Q     When did you purchase the twenty-five  
2 dollars worth of cocaine?

3           A     After they came back from the store  
4 round about 11.

5           Q     So you hadn't done anything from 7 p.m.  
6 until after 11?

7           A     Yes, I did, I did some.

8           Q     You had done some previously?

9           A     Yes, she gave me a hit off hers.

10          Q     She gave you hits off of hers?

11          A     Uh-huh.

12          Q     After 11 o'clock, somehow or the other  
13 it was no longer free and you had to pay  
14 twenty-five dollars?

15          A     Uh-huh.

16          Q     Now, the twenty-five dollars then lasted  
17 until 4 o'clock in the morning, is that correct?

18          A     Yes, it did. It ain't last that long.

19          Q     I'm sorry?

20          A     It didn't last until four o'clock.

21          Q     Did not last?

22          A     No, it didn't.

23          Q     You were watching the others having a  
24 good time?

25          A     After I finished mines.

1           Q     With respect to Peaches, she presumably  
2 wasn't getting free hits either?

3           A     Yes, she was getting free hit.

4           Q     She was getting free hits. I see. Who  
5 else was there? You said Jeanette, what --

6           A     Jeanette bought some.

7           Q     She bought some. Jeanette is whom? Do  
8 you know her last name?

9           A     No, I don't.

10          Q     If I indicated to you Jeanette Brown,  
11 would that refresh your memory?

12          A     I still don't know her last name.

13          Q     You know her as the cousin of --

14          A     Debbie Veney.

15          Q     Debbie Veney, is that correct?

16          A     Uh-huh.

17          Q     She was there smoking also?

18          A     Yes, she was.

19          Q     Did you ever see Deborah Veney at any  
20 time go upstairs?

21          A     Yes, she went upstairs.

22          Q     Why did she go upstairs?

23          A     I don't know.

24          Q     Well, was there any particular reason  
25 given for her to go upstairs?

1           A     No, it wasn't.

2           Q     Did she say any reason why she was going  
3 up there?

4           A     I guess she just went up there because  
5 it was her house.

6           Q     That's where the bathroom was located,  
7 is it not?

8           A     Yes, it is.

9           Q     I have no further questions.

10           MR. BRAVE: No redirect, Your Honor.

11           THE COURT: All right, gentlemen, we are  
12 going to have to break at this point.

13                   Ladies and gentlemen, let me admonish  
14 you not to follow any news media accounts of this  
15 trial. Again, if you hear something on radio, I'd  
16 ask that you turn the radio, the television off  
17 until any coverage of this trial is past.

18                   Again, also, I don't think it needs,  
19 bears repeating at this point but please again  
20 don't read any newspaper articles.

21                   When you come to the courtroom tomorrow,  
22 again, do not sit in the hallway. I'd ask that  
23 you try to make us aware that you are waiting to  
24 get inside. We will make sure that you are  
25 escorted right up to the jury room where you can

1 wait in commencement of the trial.

2 Again, also, pick up your money by  
3 9:15. I'd ask you to please be here by 9:30.  
4 This Court will stand adjourned until then.

5 Just one minute, there is one matter.  
6 I'd ask all of the jury to be excused with the  
7 exception of juror number 9. All right. Everyone  
8 else is excused. Let me see counsel at the bench.

9 (Whereupon, counsel and the Defendant  
10 approached the bench and the following conference  
11 ensued:)

12 THE COURT: Ma'am, would you approach  
13 the bench?

14 (Whereupon, the juror approached the  
15 bench.)

16 THE COURT: Would you identify yourself,  
17 ma'am?

18 Would you identify yourself please?

19 THE JUROR: Anette Gregory.

20 THE COURT: Miss Gregory, you had  
21 approached the clerk and indicated something  
22 regarding going on vacation?

23 THE JUROR: Yeah, I was saying I really  
24 didn't know this was going to be a long strung out  
25 trial and my job, I really lean on my tips, you

1 know. I have salary paid too but it's only small  
2 portion.

3 THE COURT: Where do you work, ma'am?

4 THE JUROR: Village of Cross Keys.

5 THE COURT: Go ahead.

6 THE JUROR: We really lean on our tips  
7 and as a single person, you know, I will really --  
8 you know, I really need them, you know. And --

9 THE COURT: What are you saying, ma'am?  
10 I'm still not clear what you are saying.

11 THE JUROR: I'm just saying --

12 THE COURT: Because I was told something  
13 regarding you going on vacation.

14 THE JUROR: I'm going on vacation Friday  
15 and I was, you know, really -- I'm working this  
16 week. I mean the money I make this week working  
17 tip wise would be my vacation money.

18 THE COURT: Where are you going on  
19 vacation?

20 THE JUROR: Where am I going? I was  
21 planning on going to Atlanta, Georgia and visit.

22 THE COURT: What day?

23 THE JUROR: I was leaving early Friday  
24 morning.

25 THE COURT: What plans have you made to

1 go there? I mean, have you -- how are you going,  
2 first of all?

3 THE JUROR: By car.

4 THE COURT: You have made reservations?

5 THE JUROR: No, no. I'm only going  
6 there like to visit family.

7 THE COURT: And you are planning on  
8 staying how long?

9 THE JUROR: I'm on vacation all of next  
10 week. I don't have to go back to work until the  
11 17th. I was going to stay there until about  
12 Thursday.

13 THE COURT: Of next week?

14 THE JUROR: Uh-huh.

15 THE COURT: Okay, ma'am.

16 THE JUROR: But that wasn't the big  
17 issue. My big issue was like really the tips that  
18 I make per day. See I'm like missing them.  
19 Salary wise we only make like 2.15 per hour.

20 THE COURT: What are your hours?

21 THE JUROR: From 6:30 till 3.

22 THE COURT: 6:30 in the morning?

23 THE JUROR: Until 3 in the afternoon. I  
24 might could make some arrangement to get someone  
25 else to work.

1           THE COURT: You want to step aside for  
2 one moment first, then I'll -- if you will just go  
3 over there for a moment.

4           THE COURT: Mr. Brave.

5           MR. BRAVE: It sounds like -- today is  
6 Tuesday, sounds like we are talking about  
7 Wednesday and Thursday, because Friday we are  
8 off. The following week she is on vacation.

9           THE COURT: I was having a difficult  
10 time finding out exactly what the problem was.  
11 She said something about coming back on Thursday.  
12 Mr. Tayback?

13          MR. BRAVE: Apparently she is willing to  
14 go on vacation without being paid.

15          THE COURT: I'm having difficulty  
16 figuring out exactly what it is she is saying  
17 because on one hand she talks about the tips, then  
18 she says she planned to go to Atlanta, Georgia  
19 Thursday a week, not the day after tomorrow,  
20 Thursday a week.

21          Mr. Tayback.

22          MR. TAYBACK: You want me to respond,  
23 Your Honor? I agree with Mr. Brave, that it  
24 appears to me that her primary concern is not, is  
25 not -- she even indicated that to the Court.

1 Evidentially the vacation can be taken any time.  
2 Her concern is as to her tips that would be lost  
3 Wednesday, Thursday; and I sympathise with anybody  
4 who has financial problems but that certainly  
5 would not qualify in any respect, it seems to me,  
6 and I would have to concur with the State's point  
7 in that regard.

8 THE COURT: As I understand it, both  
9 counsel are asking not to excuse her?

10 MR. BRAVE: That's what I'm saying,  
11 yes.

12 THE COURT: All right.

13 (Whereupon, the juror approached the  
14 bench.)

15 THE COURT: You will have to report  
16 tomorrow. You will have to report tomorrow.

17 THE JUROR: I have to report? Okay.  
18 Thank you.

19 THE COURT: Court will stand adjourned.

20 (Whereupon, court adjourned for the  
21 day.).

22

23

24

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1                                    REPORTER'S CERTIFICATE

2                    I, Rita M. E. Taggart, an Official Court  
3                    Reporter of the Circuit Court for Baltimore City,  
4                    do hereby certify that I recorded stenographically  
5                    the proceedings in the matter of STATE versus  
6                    REUBEN RAINEY, on JUNE 30, 1987.

7                    I further certify that the foregoing  
8                    pages constitute the official transcript of  
9                    proceedings as transcribed by me to the within  
10                   typewritten matter in a complete and accurate  
11                   manner.

12                   In Witness Whereof, I have hereunto  
13                   subscribed my name this 30th day of December,  
14                   1987.

15                     
16                   Rita M. E. Taggart